

# **PARKS AND WILDLIFE CODE**

## **CHAPTER 545**

**H. B. No. 1186**

**An Act adopting the Parks and Wildlife Code, a formal revision of general and permanent and local and special statutes relating to the Parks and Wildlife Department, wildlife resources, water safety, and state and national parks; repealing the statutes replaced by the code and previously impliedly repealed statutes; and declaring an emergency.**

*Be it enacted by the Legislature of the State of Texas:*

**Section 1. Adoption of Code.** The Parks and Wildlife Code is adopted to read as follows:

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(a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in Chapter 488, Acts of the 58th Legislature, 1963 (Article 5429b—1, Vernon's Texas Civil Statutes). The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the general and permanent parks and wildlife law more accessible and understandable by:

(1) rearranging the statutes into a more logical order;

(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;

(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and

(4) restating the law in modern American English to the greatest extent possible. (New.)

**Sec. 1.002. Construction of Code**

The Code Construction Act (Article 5429b—2, Vernon's Texas Civil Statutes) applies to the construction of each provision in this code, except as otherwise expressly provided by this code. (New.)

[Sections 1.003–1.010 reserved for expansion]

**SUBCHAPTER B. PROPERTY OF THE STATE**

**Sec. 1.011. Property of the State**

(a) All wild animals, fur-bearing animals, wild birds, and wild fowl inside the borders of this state are the property of the people of this state. (P.C. Art. 871a; V.A.P.C. Art. 923m (part).)

(b) All fish and other aquatic animal life contained in the freshwater rivers, creeks, and streams and in lakes or sloughs subject to overflow from rivers or other streams within the borders of this state are the property of the people of this state. (R.S. Art. 4026 (part).)

(c) All the beds and bottoms and the products of the beds and bottoms of the public rivers, bayous, lagoons, creeks, lakes, bays, and inlets in this state and of that part of the Gulf of Mexico within the jurisdiction of this state are the property of this state. The state may permit the use of the waters and bottoms and the taking of the products of the bottoms and waters. (R.S. Art. 4026 (part).)

(d) The Parks and Wildlife Department shall regulate the taking and conservation of fish, oysters, shrimp, crabs, turtles, terrapins, mussels, lobsters, and all other kinds and forms of marine life, or sand, gravel, marl, mud shell, and all other kinds of shell in accordance with the authority vested in it by this code. (R.S. Art. 4026 (part).)

**Sec. 1.012. Private Fresh Water**

Any freshwater lake, river, creek, or bayou in this state contained in any survey of private land may not be sold but shall remain open to the public. If the Parks and Wildlife Department stocks the water with fish, it is authorized to protect the fish under rules as it may prescribe. (R.S. Art. 4029.)

[Sections 1.013–1.100 reserved for expansion]

**SUBCHAPTER C. DEFINITIONS**

**Sec. 1.101. Hunt and Catch Defined**

In this code:

(1) "Hunt" means seek or pursue with intent to take or kill and includes take, kill, and an attempt to take or kill.

(2) "Catch" means take or kill and includes an attempt to take or kill. (New.)



**TITLE 2. PARKS AND WILDLIFE DEPARTMENT****CHAPTER 11. PARKS AND WILDLIFE DEPARTMENT****SUBCHAPTER A. GENERAL PROVISIONS****Section****11.001. Definitions.**

[Sections 11.002-11.010 reserved for expansion]

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In this code:

(1) "Commission" means the Parks and Wildlife Commission.

(2) "Department" means the Parks and Wildlife Department.

(3) "Director" means the executive director of the Parks and Wildlife Department.

(4) "Chairman" means the chairman of the Parks and Wildlife Commission. (New.)

[Sections 11.002-11.010 reserved for expansion]

**SUBCHAPTER B. ORGANIZATION OF DEPARTMENT**

**Sec. 11.011. Parks and Wildlife Department**

The Parks and Wildlife Department is established as an agency of the state. It is under the policy direction of the Parks and Wildlife Commission. (V.A.P.C. Art. 978f-3a, Sec. 1(a).)

**Sec. 11.012. Commission**

(a) The commission consists of six members appointed by the governor with the advice and consent of two-thirds of the members of the senate present and voting.

(b) If the senate is not in session, the governor shall appoint the members and issue commissions to them as provided by law, and their appointment shall be submitted to the next session of the senate for its advice and consent in the manner that appointments to fill vacancies under the constitution are submitted to the senate. (V.A.P.C. Art. 978f-3a, Sec. 1(b) (part).)

**Sec. 11.013. Terms**

The members of the commission hold office for staggered terms of six years, with the terms of two members expiring every two years. Each member holds office until his successor is appointed and has qualified. The terms expire on January 31 of odd-numbered years. (V.A.P.C. Art. 978f-3a, Sec. 1(c).)

**Sec. 11.014. Chairman, Vice-Chairman**

(a) The governor shall designate biennially one of the six members as chairman of the commission for a term of two years expiring on January 31 of the succeeding odd-numbered year.

(b) The commission shall elect biennially a vice-chairman from among its members for a term of two years expiring on January 31 of the succeeding odd-numbered year.

(c) A vacancy in the office of chairman or vice-chairman is filled for the unexpired portion of the term in the same manner as the original appointment or election. (V.A.P.C. Art. 978f-3a, Sec. 1(d).)

**Sec. 11.015. Meetings, Quorum**

The commission may meet as often as is necessary but shall meet at least once during each quarter of the year. Four members constitute a quorum. (V.A.P.C. Art. 978f-3a, Sec. 1(e).)

**Sec. 11.016. Expenses, Per Diem**

Members of the commission are entitled to reimbursement for their actual expenses incurred in attending meetings and to the per diem as provided in the general appropriations act. (V.A.P.C. Art. 978f-3a, Sec. 1(f).)

**Sec. 11.017. Executive Director**

The commission may appoint an executive director who is the chief executive officer of the department and performs its administrative duties. The director serves at the will of the commission. (V.A.P.C. Art. 978f-3a, Sec. 3 (part).)

**Sec. 11.018. Employees**

The director may appoint heads of divisions, game management officers, park managers, and other employees authorized by appropriations and necessary for administering the duties and services of the department. These employees serve at the will of the director. (V.A.P.C. Art. 978f-3a, Sec. 3 (part).)

**Sec. 11.019. Employees as Peace Officers**

(a) The director may commission as peace officers any of the employees provided for in the general appropriations act.

(b) Employees commissioned under this section have the powers, privileges, and immunities of peace officers while on state parks or on state historical sites or in fresh pursuit of those violating the law in a state park or historical site. (V.A.P.C. Art. 978f-5c.)

[Sections 11.020–11.030 reserved for expansion]

**SUBCHAPTER C. SPECIAL FUNDS****Sec. 11.031. Special Game and Fish Fund**

There is in the state treasury a special fund called the “special game and fish fund.” (V.A.C.S. Art. 4386b, Sec. 1.)

**Sec. 11.032. Special Game and Fish Fund: Sources**

The department shall deposit to the credit of the special game and fish fund all revenue, less allowable costs, from the following sources:

- (1) all types of fishing and shrimping licenses;
- (2) all types of hunting licenses;
- (3) trapping licenses and other licenses relating to the taking, propagation, and sale of fur-bearing animals or their pelts;
- (4) sale of marl, sand, gravel, shell, and mudshell;
- (5) oyster bed rentals and permits;
- (6) federal funds received for research and development of commercial fisheries and state funds appropriated for this purpose;
- (7) sale of property, less advertising costs, purchased from this fund or a special fund that is now part of this fund;
- (8) fines and penalties collected for violations of a law pertaining to the protection and conservation of wild birds, wild fowl, wild animals, fish, shrimp, oysters, game birds and animals, fur-bearing animals, and any other wildlife resources of this state;
- (9) the sale of rough fish by the department;
- (10) fees for importation permits;
- (11) fish farm licenses; and
- (12) any other source provided by law. (V.A.C.S. Art. 4386b, Sec. 2, 4.)

**Sec. 11.033. Use of Special Game and Fish Fund**

The special game and fish fund may be used for the following purposes only:

- (1) enforcement of fish, shrimp, and oyster laws, game laws, and laws pertaining to sand, shell, and gravel;
- (2) dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

- (3) scientific investigation and survey of marine life for the better protection and conservation of marine life;
- (4) establishment and maintenance of fish hatcheries, fish sanctuaries, tidal water fish passes, game preserves, wildlife management areas, and public hunting grounds;
- (5) propagation and distribution of marine life, game animals, and wild birds;
- (6) protection of wild birds, fish, and game;
- (7) purchase, repair, and operation of boats and dredges;
- (8) research and management of the fish and game resources of this state;
- (9) salaries of employees and other expenses necessary to carry out the duties of the department under laws relating to fish, shrimp, oysters, game, and sand, shell, and gravel;
- (10) expansion and development of additional opportunities of hunting and fishing in state-owned land and water;
- (11) removing rough fish from public water; and
- (12) any other use provided for by law. (V.A.C.S. Art. 4386b, Sec. 3.)

**Sec. 11.034. Special Game and Fish Fund Expenditures**

All expenditures of the department from the special game and fish fund must be approved by the director. The comptroller shall draw a warrant on the state treasury from the special game and fish fund for the amount of the expenditure in favor of the person claiming the expenditure. (V.A.C.S. Art. 4386b, Sec. 6.)

**Sec. 11.035. State Parks Fund**

(a) There is in the state treasury a special fund called the "state parks fund."

(b) The department shall deposit to the credit of the state parks fund all revenue, less allowable costs, received from the following sources:

- (1) grants or operation of concessions in state parks or fishing piers;
- (2) publications on state parks, state historic sites, or state scientific areas;
- (3) fines or penalties received from violations of regulations governing parks issued pursuant to Subchapter B, Chapter 13, of this code; and
- (4) any other source provided by law. (V.A.C.S. Art. 6067b, Sec. 4; Art. 6070a, Sec. 2; Art. 6070d 1, Sec. 2 (part); Acts 57th Legis., 1st C.S., Ch. 10, Sec. 2, Acts 58th Legis., Ch. 16, Sec. 2.)

**Sec. 11.036. Special Boat Fund**

(a) There is in the state treasury a special fund called the "special boat fund."

(b) The department shall deposit to the credit of the special boat fund all revenue, less any allowable costs, received from the following sources:

- (1) motorboat registration fees;
- (2) motorboat manufacturer or dealer registration fees;
- (3) fines or penalties imposed by a court for violation of water safety laws contained in Chapter 31 of this code; and
- (4) any other source prescribed by law.

- (c) The special boat fund may be used for the following purposes:
- (1) administration of the water safety laws as set out in Chapter 31 of this code;
  - (2) purchasing all necessary forms and supplies, including reimbursement of the department for any material produced by its existing facilities or work performed by other divisions of the department;
  - (3) purchase, construction, and maintenance of boat ramps on or near public waters as provided in Chapter 31 of this code; and
  - (4) any other purpose provided by law. (R.S. Art. 9206, Sec. 26, 27(c).)

**Sec. 11.037. State Land and Water Conservation Fund**

- (a) There is in the state treasury a special fund called the "state land and water conservation fund."
- (b) The department shall deposit in the state land and water conservation fund all revenue received from the federal government or any other source for the purpose of administering programs authorized under Sections 13.301 through 13.311 of this code.
- (c) The state land and water conservation fund may be used for paying the cost of planning, acquisition, operation, and development of outdoor recreation resources of the state and the administrative expenses incident to the projects or programs authorized under Sections 13.301 through 13.311 of this code. (V.A.C.S. Art. 6081r, Sec. 6.)

**Sec. 11.038. Operating Fund**

- (a) There is a fund in the state treasury called the "parks and wildlife operating fund."
- (b) The commission may transfer any funds appropriated to the department for personal services, travel, consumable supplies and materials, current operating expenses, and capital outlay, as these terms are used in the comptroller's object classification codes of the general appropriations act. All expenditures by the department from this fund shall be made only for the purposes for which appropriations are made in the general appropriations act.
- (c) The parks and wildlife operating fund shall be used for the purposes specified by law and nothing may be done by any officer or employee of the department or commission to divert or jeopardize the fund or any portion of the fund, including any federal aid the department receives or administers. (V.A.C.S. Art. 4386b-2.)

**Sec. 11.039. Revolving Petty Cash Fund**

- (a) The department may establish a revolving petty cash fund out of existing funds on deposit in the state treasury. The balance of this fund may not exceed \$2,500.
- (b) The purpose of this fund is to make refunds of cash receipts, subject to the approval of the state auditor. The account must be maintained at a bank in Austin.
- (c) With the prior approval of the commission, the director may designate a bonded employee of the department to sign checks drawn on this fund. The fund shall be reimbursed by warrants drawn and approved by the comptroller out of those funds in the state treasury in which the refunded receipts were originally deposited. (V.A.C.S. Art. 4386b-1.)

**Sec. 11.040. Mistaken Deposit**

(a) Any funds deposited in the state treasury by the department by mistake of fact or mistake of law shall be refunded by warrant issued against the fund in the state treasury into which the money was deposited. Refunds necessary to make the proper correction shall be appropriated by the general appropriations act.

(b) The comptroller may require written evidence from the director of the department to indicate the reason for the mistake of fact or law before issuing the refund warrant authorized in Subsection (a) of this section.

(c) This section does not apply to any funds that have been deposited under a written contract or to any funds on deposit as of June 8, 1971, which are the subject of litigation in any of the courts of this state or the United States. (V.A.C.S. Art. 4386b-3.)

**Sec. 11.041. Transfer of Property**

(a) The commission may transfer tangible property, other than money or real estate held for limited purposes, from one division of the department to another division.

(b) If the property to be transferred was acquired with funds the use of which is limited by law or dedicated in any other manner, and the prospective use of the property is different from the use allowed by law, the department shall transfer from available funds to the fund from which the property was acquired the value of the property at the time of the transfer. (V.A.P.C. Art. 978f-3e.)

**CHAPTER 12. POWERS AND DUTIES  
CONCERNING WILDLIFE**

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**CHAPTER 12. POWERS AND DUTIES  
CONCERNING WILDLIFE****SUBCHAPTER A. GENERAL POWERS AND DUTIES****Sec. 12.001. General Duties.**

(a) The department shall administer the laws relating to game, fish, oysters, and marine life, as set out in this code.

(b) The department may:

- (1) collect and enforce the payment of all taxes, licenses, fines, and forfeitures due to the department;
- (2) inspect all products required to be taxed by the laws relating to game, fish, oysters, and marine life and verify the weights and measures of the products;
- (3) examine on request all streams, lakes, and ponds for the purpose of stocking with fish best suited to the locations;
- (4) manage the propagation and distribution of fish in state fish hatcheries; and
- (5) manage the propagation and distribution of birds and game in state reservations. (R.S. Art. 4018 (part).)

**Sec. 12.002. Report to Governor**

(a) The department shall report to the governor on August 31 of each year, or as soon after that date as practicable, but not later than October 1 of each year, showing the condition of the fish and oyster industry. The report shall contain:

- (1) a statement of the amount of special taxes collected;
- (2) the number of licenses issued and the amount of license fees collected;
- (3) the number and class of all boats engaged in the fish and oyster trade;
- (4) the number, place, and acreage of private oyster beds and the amount of rents received for private oyster beds;
- (5) all other amounts collected and disbursed by the department;
- (6) a statement of all stock furnished, to whom the stock was furnished, the cost of the stock, the streams, lakes, or ponds stocked, the number and kind of fish used in each, and the condition of the plants; and
- (7) any other observations or pertinent data.

(b) The governor shall order a sufficient number of copies of the report to be printed and filed in the secretary of state's office for free distribution. (R.S. Art. 4019.)

**Sec. 12.003. Records**

(a) The department shall keep a record containing the following information:

- (1) the amount of all special taxes collected;
- (2) a list of all licenses issued and the amount of license fees collected;
- (3) a list of all certificates issued for location of private oyster beds, the date of the certificate and application, when and how the applications were executed, and the manner in which the bottoms were examined and the amount of rent collected for the location;
- (4) all stock fish furnished, to whom the fish were furnished, and the cost of the stock fish;
- (5) all streams, lakes, or ponds stocked and the number and kinds of fish stocked in each; and
- (6) all collections and disbursements of the department.

(b) The department shall keep an account with each person, firm, or corporation holding certificates for the location of private oyster beds, showing the amounts received as rents. (R.S. Art. 4020.)

**Sec. 12.004. List of Fees and Fines**

(a) The department shall maintain a complete list of all license fees and fines collected. The list shall be maintained in Austin and is a public record.

(b) The department shall file at the end of each calendar month a written report with the comptroller showing fines, licenses, and other fees collected, their disposition, and any other necessary information. (P.C. Art. 898.)

**Sec. 12.005. Funds in Lieu of Taxes**

(a) The department shall expend funds to counties and school districts for assessments in lieu of property taxes on wildlife management areas purchased from federal funds or grants authorized by the Pittman-Robertson Act or Dingell-Johnson Act.

(b) No general revenue funds may be expended in lieu of taxes for wildlife management areas; however, special funds may be expended for this purpose provided reimbursement or matching from the federal government is available at a federal ratio of two to one or better. (V.A.P.C. Art. 978f-5a.)

**Sec. 12.006. Publications on Wildlife Values and Management**

(a) The department may inform the public about wildlife values and management.

(b) Any book, bulletin, or magazine published under this section may be sold for a price not to exceed the cost of publication and mailing. Money received from the sale of these publications shall be sent to the department at its office in Austin not later than 10 days following the date of collection. The money shall be deposited in the state treasury to the credit of the special game and fish fund.

(c) Under the terms of the same bond and authority, any person authorized to issue hunting and fishing licenses may sell subscriptions to any monthly publication prepared and published by the department under this section. The seller may retain 10 percent of each subscription payment as his fee for collecting and send the balance of the subscription fee to the department.



(d) The amount of money collected for each subscription to any monthly publication shall be recorded on a prenumbered form bearing the name, complete address, and length of the subscription period. The prenumbered form shall be issued and accounted for in the same manner as hunting licenses. (V.A.C.S. Art. 4025b.)

#### **Sec. 12.007. Cautioning Sportsmen**

The department shall caution sportsmen and other persons of the danger from fire in the woods, marshes, or prairies of the state and request sportsmen and other persons to extinguish all fires left burning and to give notice, whenever possible, of fires ranging beyond control so that they may be controlled and extinguished. (P.C. Art. 918.)

#### **Sec. 12.008. Leasing of Grazing Rights: Sale of Products**

(a) The department may lease grazing rights on any land acquired by, and for the use of, the department as game preserves, game sanctuaries, and game management areas. The department may harvest and sell, or sell in place, any timber, hay, or other product grown on land of the department when the product is found to be in excess of wildlife management needs.

(b) The state board of control shall execute any sale or lease under this section under the general law governing the sale of state property; however, the department shall determine the quantity of products, or grazing lease, to be offered for sale or lease.

(c) All revenue derived from a sale or lease under this section shall be deposited in the state treasury to the credit of the special game and fish fund. (V.A.P.C. Art. 978f-4.)

#### **Sec. 12.009. Seafood Consumption Program**

(a) The department shall develop and administer a market promotion program to foster and expand the sale and consumption of seafood by the public. The department may use its own personnel or contract for personnel and use only state funds or state funds in conjunction with federal or private funds.

(b) Forty percent of the funds collected from commercial fisherman's license fees, 20 percent of wholesale fish dealers' license fees and wholesale truck dealers' fish license fees, and 50 percent of shrimp house operators' license fees shall be used by the department in carrying out the program required by this section. (V.A.P.C. Art. 978f-3c.)

#### **Sec. 12.010. Noxious Vegetation Program**

The department may contract or use the services of department personnel for the eradication of noxious vegetation from the water of this state. (V.A.C.S. Art. 4413d-3.)

#### **Sec. 12.011. Teaching Equipment**

On request of a state-supported institution of higher education engaged in teaching and research related to marine science and oceanography, the department may transfer to the institution fish nets, seines, motors, boats, and other marine equipment confiscated under the authority of the game and fish laws to be used in the teaching and research programs of the institution. (V.A.P.C. Art. 978f-3b.)

**Sec. 12.012. Fire Hazard**

(a) If the state forester determines that the continuation of any hunting season is likely to cause a serious forest fire hazard in Red River, Titus, Camp, Harrison, Gregg, Henderson, Van Zandt, Anderson, Nacogdoches, Angelina, San Augustine, Sabine, Trinity, Walker, Montgomery, Polk, Liberty, Tyler, Hardin, Jasper, Newton, Grimes, or San Jacinto counties, he shall immediately notify the department of the local conditions and recommend that any hunting season then open be closed temporarily.

(b) The department shall report to the governor on the local conditions which contribute to the danger of a fire hazard.

(c) If the governor finds that an extreme fire hazard exists, he shall proclaim a closed season to remain in effect in the county until the danger abates. The governor may revoke the proclamation at any time revocation is in the best interests of the people. (V.A.P.C. Art. 882a.)

**Sec. 12.013. Power to Take Wildlife**

The department may take, transport, release, and manage any of the wildlife and fish in this state for investigation, propagation, distribution, or scientific purposes. It is a defense in any prosecution of an employee of the department for a violation of any law for the protection of wildlife or fish that the employee was acting within the scope of this authority. (V.A.P.C. Art. 913, Sec. 5, 6 (part).)

[Sections 12.014–12.100 reserved for expansion]

**SUBCHAPTER B. ENFORCEMENT POWERS**

**Sec. 12.101. Duty to Enforce Law**

The department shall enforce all state laws relating to the protection and preservation of wild game, wild birds, and fish and other marine life. (P.C. Art. 906 (part).)

**Sec. 12.102. Power to Arrest**

(a) An authorized employee of the department has the same authority as a sheriff to arrest, serve criminal process, and require aid in serving criminal process in connection with violations of the laws relating to game, fish, and birds. The department may receive the same fees as are provided by law for sheriffs in misdemeanor cases.

(b) An authorized employee of the department may arrest without a warrant any person found in the act of violating any law relating to game, birds, or fish. (P.C. Art. 905; V.A.C.S. Art. 4018 (part).)

**Sec. 12.103. Entering Land**

To enforce the game and fish laws of the state and to conduct scientific investigations and research regarding wild game or fish, an authorized employee of the department may enter on any land or water where wild game or fish are known to range or stray. No action may be sustained against an employee of the department to prevent his entering on land or water when acting in his official capacity. (P.C. Art. 919.)

**Sec. 12.104. Right to Search**

An authorized employee of the department may search a game bag, vehicle, or other receptacle if he has reason to believe that the game bag, vehicle, or receptacle contains game unlawfully killed or taken. (P.C. Art. 897 (part).)

**Sec. 12.105. Suits**

(a) The department may file complaints in the name of the State of Texas to recover fines and penalties for violations of the laws relating to game, birds, and fish.

(b) The department may file a complaint and commence proceedings against an individual for violation of the laws relating to game, birds, and fish without the approval of the county attorney of the county in which the proceedings are brought. The department is not required to furnish security for costs for proceedings under this subsection. (P.C. Art. 906 (part).)

**Sec. 12.106. Notice to Appear**

(a) Any peace officer of this state or a political subdivision of this state or an authorized employee of the department who arrests a person for a violation of a game, fish, or park law of this state or of a regulation of the commission may deliver to the alleged violator a written notice to appear before the justice court having jurisdiction of the offense not later than 15 days after the date of the alleged violation.

(b) On signing the written notice to appear and thereby promising to appear as provided in the notice, the alleged violator shall be released.

(c) Failure to appear within the time specified in the written notice is a misdemeanor punishable by a fine of not less than \$10 nor more than \$200, and a warrant for the arrest of the alleged violator may be issued. (V.A.P.C. Art. 978f-5e.)

**Sec. 12.107. Remission of Fines**

(a) A justice of the peace, clerk of any court, or any other officer of the state who receives a fine imposed by a court for a violation of any law relating to the protection and conservation of wild birds, wild fowl, wild animals, fish, oysters, and other wildlife shall send the fine to the department within 10 days after the date of collection. A statement containing the docket number of the case, the name of the person fined, and the section of the law violated must accompany the remission of the fine.

(b) The amount of the fine to be remitted to the department is 80 percent in county court cases and 85 percent in justice court cases.

(c) The fees set out in Articles 950 and 951, Code of Criminal Procedure, 1925, shall be deducted from fines imposed for violations of laws relating to wild game, birds, fish, oysters, and other wildlife. (P.C. Art. 912.)

**Sec. 12.108. Expenses**

In making an arrest, summoning a witness, and serving a process, the department is entitled to the same fee and mileage allowance as a sheriff. The fee is charged and collected in the same manner as sheriff's fees. (R.S. Art. 4024.)

**Sec. 12.109. Confiscated Marine Life**

(a) When an enforcement officer of the department believes that a person has unlawful possession of any fish, oysters, shrimp, or other marine life, he shall seize the marine life and deliver it to a court of competent jurisdiction in the county where the marine life was seized.

(b) The court shall order the marine life sold to the highest bidder at a price not less than the prevailing market price. The proceeds of the sale shall be deposited with the court pending the outcome of the action taken against the person charged with illegal possession.

(c) On conclusion of the action, the court, in its discretion, may order the proceeds of the sale either deposited in the state treasury to the credit of the special game and fish fund or paid to the owner of the marine life. (P.C. Art. 897a.)

**Sec. 12.110. Disposition of Confiscated Game**

(a) The department shall donate any wild game animal, bird, or fowl which is unlawfully killed, taken, shipped, held in storage, or found in a public eating place to a charitable institution, hospital, or needy widow or orphan.

(b) The expense of any cold storage that may be necessary for an unlawfully possessed game bird, fowl, or animal shall be assessed against the violator on his conviction. (P.C. Art. 897 (part).)

**Sec. 12.111. Violation by Employee**

An employee of the department who violates any provision of this code relating to game, fish, and oysters which the employee is authorized to enforce is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200. (P.C. Art. 915a.)

**Sec. 12.112. Forfeiture of Licenses**

(a) The licenses issued under Chapters 42 and 46 of this code (general hunting and fishing licenses) are not subject to forfeiture for a violation of a game or fish law or a regulation of the department.

(b) No other license issued by the department is subject to forfeiture unless forfeiture is expressly provided for and then only by the jury, or the judge in the absence of a jury, in the same manner as other penalties are assessed. (V.A.P.C. Art. 895d.)

**Sec. 12.113. Coastal Survey Charts Admissible**

In any prosecution under this code, United States Coastal Survey Charts are admissible. (V.A.P.C. Art. 977.)

**CHAPTER 13. POWERS AND DUTIES CONCERNING  
PARKS AND OTHER RECREATIONAL AREAS**

**SUBCHAPTER A. GENERAL POWERS AND DUTIES**

**Section**

- 13.001. Control by Department.
- 13.002. Comprehensive State Plan.
- 13.003. Gifts and Improvements of Park Sites.
- 13.004. Financing of Park Programs.
- 13.005. Acquisition of Historical Structures and Sites.

**Section**

- 13.006. Lease of Park Lands.
- 13.007. Investigation Expenses.
- 13.008. Solicitation, Receipt, and Transfer of Land.
- 13.009. Land Exchange.
- 13.010. Historic Locations.
- 13.011. Natural Features.
- 13.012. Roadside Parks.
- 13.013. Construction of Roads by State Highway Department.
- 13.014. Roads and Trails to Certain Park Sites.
- 13.015. Concessions.
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- 13.017. Publications on Parks.
- 13.018. State Parks Lands Passport.

[Sections 13.019-13.100 reserved for expansion]

**SUBCHAPTER B. REGULATIONS GOVERNING PARKS  
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- 13.101. Authorization.
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**SUBCHAPTER C. REGULATIONS GOVERNING AREAS  
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- 13.201. Authorization.
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- 13.203. Notice of Regulation; Hearing.
- 13.204. Effective Date of Regulation.
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[Sections 13.206-13.300 reserved for expansion]

**SUBCHAPTER D. PARTICIPATION IN FEDERAL PROGRAMS**

- 13.301. Programs for the Development of Historic Sites and Structures.
- 13.302. Programs for the Development of Outdoor Recreation Resources.
- 13.303. Cooperation With Other Agencies.
- 13.304. Additional Powers of Counties and Special Districts.
- 13.305. Condemnation Proceedings.
- 13.306. Application for Participation in Federal Programs.
- 13.307. Coordination of Activities.
- 13.308. Availability of State Funds.
- 13.309. Availability of Local Funds.
- 13.310. Receipt and Expenditure of Funds.
- 13.311. Project Priority.
- 13.312. Administration Expense.
- 13.313. Fish and Wildlife Restoration Projects.

**CHAPTER 13. POWERS AND DUTIES CONCERNING  
PARKS AND OTHER RECREATIONAL AREAS**

**SUBCHAPTER A. GENERAL POWERS AND DUTIES**

**Sec. 13.001. Control by Department**

Except as otherwise provided by law, all recreational and historic areas designated as state parks are under the control and custody of the department. (V.A.C.S. Art. 6067a, Sec. 1.)

**Sec. 13.002. Comprehensive State Plan**

The department may:

- (1) prepare, maintain, and revise a statewide comprehensive plan for the development of the outdoor recreation resources of this state;
- (2) develop, operate, and maintain outdoor areas and facilities of the state; and
- (3) acquire land, water, and interests in land and water for outdoor recreation areas and facilities. (V.A.C.S. Art. 6081r, Sec. 2.)

**Sec. 13.003. Gifts and Improvements of Park Sites**

The department may receive gifts of state park sites and may improve and equip parks sites or contract for their improvement and equipment. (V.A.C.S. Art. 6070b, Sec. 1.)

**Sec. 13.004. Financing of Park Programs**

(a) The operation, maintenance, and improvement of state parks shall be financed from the general revenue fund, the state parks fund, other funds that may be authorized by law, and donations, grants, and gifts received by the department for these purposes.

(b) No donation, grant, or gift accruing to the state or received by the department for the purpose of operating, maintaining, improving, or developing state parks may be used for any purpose other than the operation, maintenance, or developing of state parks. (V.A.P.C. Art. 978f-3a, Sec. 5.)

**Sec. 13.005. Acquisition of Historical Structures and Sites**

(a) The department may acquire by purchase, gift, or other manner a structure or site:

- (1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;
- (2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;
- (3) embodying the distinguishing characteristics of an architectural type which is inherently valuable for study of a period, style, or method of construction;
- (4) that contributes significantly to the understanding of aboriginal man in the nation or state; or
- (5) that is of significant geologic interest relating to prehistoric animal or plant life.

(b) The department shall restore and maintain each structure or site acquired under this section for the benefit of the general public. The department may enter into interagency contracts for this purpose.

(c) The department shall use money appropriated in the general appropriations act for restoring and maintaining the structures or sites acquired under this section.

(d) The department shall prescribe and collect a nominal fee for admission to structures and sites acquired under this section. The admission fees shall be used to pay for the restoration and maintenance of structures and sites. (V.A.C.S. Art. 6081s, Sec. 1.)

#### **Sec. 13.006. Lease of Park Lands**

(a) The department may lease for park purposes any land and improvements it holds to any city, county, special district, or other political subdivision. The leased area may not be referred to as a state park, and no state funds may be used to operate or maintain a park leased under this section.

(b) The conditions and duration of the lease agreement are determined by the agreement of the department and the governing body of the political subdivision. (V.A.C.S. Art. 6070g, Sec. 1, 2.)

#### **Sec. 13.007. Investigation Expenses**

A locality may pay the expenses of a representative of the department for a trip to the locality to determine the suitability of a site for a state park. If the expenses of the representative are paid by the locality, state funds may not be used for the expenses of the trip. (R.S. Art. 6070.)

#### **Sec. 13.008. Solicitation, Receipt, and Transfer of Land**

(a) The department may solicit and receive donations of land for state park purposes and may refuse donations of land not acceptable for park purposes.

(b) If title to a site has vested in the state for park purposes and the site is deemed unsuitable for a state park by the department, the department may transfer the title:

- (1) to another state department or institution requesting the site;
- (2) to the donor of the land if the donor requests the return of the site;

(3) to the United States if it has undertaken the development of the site for park purposes; or

(4) on a declaration that the site is unsuitable for park purposes, to the grantor if the deed to the department contains a reversion clause providing that title reverts to the grantor when the site is not used for park purposes.

(c) A two-thirds vote of the commission is necessary for action taken under this section. (R.S. Art. 6068.)

#### **Sec. 13.009. Land Exchange**

(a) The director with the approval of the commission may execute a deed exchanging real property or an interest in real property either as all or partial consideration for other real property or interest in real property to be used by the department for a state park, historic site, scientific area, or game management area.

(b) All state land exchanged under this section shall be for other land adjoining the same park, historic site, scientific area, or game manage-

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ment area and shall contain no improvements made by the state other than fences.

(c) The state shall receive a good and marketable title to all land exchanged under this section. The title to land received in the exchange must be approved by the attorney general.

(d) All land to be received in the exchange must be appraised and if the land to be received is of greater value, as determined by an independent and competent appraisal, than the state land exchanged, the department may use funds available for land acquisitions as a partial consideration for the exchange.

(e) All transactions for the exchange of land under this section must have the prior written approval of the governor. (V.A.P.C. Art. 978f-4a.)

**Sec. 13.010. Historic Locations**

The department may locate, designate, and suitably mark historic grounds, battlefields, and other historic spots in Texas. Fitting markers may be erected; however, no expense may be incurred in the name of the state for this project. (V.A.C.S. Art. 6070d.)

**Sec. 13.011. Natural Features**

(a) The commission may locate and designate outstanding natural features and formations located in this state. It may erect or contract to have erected suitable markers or monuments to call the features and formations to the public's attention.

(b) The commission may accept title to a suitable site for a marker or monument from private individuals, associations, or corporations by gift. Sites may also be acquired by purchase with appropriated funds.

(c) The commission may adopt reasonable rules for accepting or purchasing sites, for determining the suitability of sites, and for establishing the priority of accepting and marking the sites.

(d) All other agencies shall cooperate with the department to aid in the location of sites. The department may accept jurisdiction over suitable sites located on state land by an interagency transfer of jurisdiction. (V.A.C.S. Art. 6081s-1.)

**Sec. 13.012. Roadside Parks**

An area under the control of the department which is more suitable for use as a roadside park than any other type of park may be transferred to the State Highway Department for roadside park purposes if the land meets the specifications of the State Highway Department. (V.A.C.S. Art. 6070g, Sec. 3.)

**Sec. 13.013. Construction of Roads by State Highway Department**

(a) The department may contract with the State Highway Commission for the construction and paving of roads in and adjacent to state parks.

(b) Agreements under this section must be made in conformity with the Interagency Cooperation Act. (V.A.C.S. Art. 6069b.)

**Sec. 13.014. Roads and Trails to Certain Park Sites**

(a) The department shall acquire, construct, and maintain roads and trails from public roads to park sites located on and accessible to the waters of Buchanan and Inks lakes in Burnet, Lampasas, Llano, San Saba, Travis, and Williamson counties. The park sites may be state parks or



land owned by the Lower Colorado River Authority dedicated to public use for park purposes.

(b) The department may acquire the rights-of-way for the roads and trails by purchase or gift or by exercise of the power of eminent domain.

(c) The State Highway Commission shall cooperate with the department and the department shall cooperate and match funds with any state or federal governmental agency and shall sponsor any state or federal project.

(d) The department may make contracts to carry out the provisions of this section. (V.A.C.S. Art. 6069a, Sec. 1, 2.)

#### **Sec. 13.015. Concessions**

(a) The department may operate or grant contracts to operate concessions in state parks or on causeways, beach drives, or other improvements in connection with state park sites. The department may make regulations governing the granting or operating of concessions.

(b) The department shall deposit any revenue received from the contracts or operations authorized by this section in the state treasury to the credit of the state parks fund. (V.A.C.S. Art. 6070a, Sec. 1, 2.)

#### **Sec. 13.016. Prison Labor**

(a) The department may use the labor of trusty state convicts on or in connection with state parks.

(b) Convicts working in connection with a state park remain under the control of the Texas Board of Corrections and are considered as serving their terms in the penitentiary. (V.A.C.S. Art. 6070a, Sec. 3.)

#### **Sec. 13.017. Publications on Parks**

(a) The department may disseminate information to the public on state parks, state historic sites, and state scientific areas. The department may sell the publications but only at state parks, historic sites, scientific areas, the state departmental headquarters, and regional and district offices.

(b) No publication authorized by this section may be published and sold at regular periodic intervals. (V.A.C.S. Art. 6070d-1, Sec. 1, 2 (part).)

#### **Sec. 13.018. State Parklands Passport**

(a) A person who is 65 years old or over may apply to the department for a state parklands passport.

(b) The department shall issue a passport to each qualified applicant. The passport shall be issued on a form designed and provided by the department.

(c) The holder of a state parklands passport is entitled to enter any state park without payment of an entrance or admission fee. When a fee is charged by the department for entrance of a vehicle into a state park, the vehicle of the holder of a state parklands passport is exempt from the fee when the holder is present. (Acts 64th Legis., Reg. Sess., S. B. No. 22.)

[Sections 13.019- 13.100 reserved for expansion]

**SUBCHAPTER B. REGULATIONS GOVERNING PARKS AND OTHER  
RECREATIONAL AREAS**

**Sec. 13.101. Authorization**

The commission may promulgate regulations governing the health, safety, and protection of persons and property in state parks, historic sites, scientific areas, or forts under the control of the department. (V.A.C.S. Art. 6067b, Sec. 1 (part).)

**Sec. 13.102. Scope of Regulations**

The regulations may govern:

- (1) the conservation, preservation, and use of state property whether natural features or constructed facilities;
- (2) the abusive, disruptive, or destructive conduct of persons;
- (3) the activities of park users including camping, swimming, boating, fishing, or other recreational activities;
- (4) the disposal of garbage, sewage, or refuse;
- (5) the possession of pets or animals;
- (6) the regulation of traffic and parking; and
- (7) conduct which endangers the health or safety of park users or their property. (V.A.C.S. Art. 6067b, Sec. 1 (part).)

**Sec. 13.103. Hearing on Regulation**

(a) Prior to the adoption of a regulation, the commission must hold a hearing on the regulation, at which time interested persons are entitled to express their views on the proposed regulation.

(b) The hearing may be held only within the two-week period beginning one week after the final publication of the notice. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.104. Publication of Notice**

(a) Except as provided in Subsection (b) of this section, notice of the hearing to consider the proposed regulation must be published in at least three newspapers of general circulation in this state.

(b) If the proposed regulation applies to one park only, notice must be published on two consecutive weeks in the county where the park is located. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.105. Contents of Notice**

The notice must contain:

- (1) the time, date, and place of the hearing on the proposed regulation;
- (2) a statement of the proposed regulation; and
- (3) a statement that interested persons may obtain additional copies of the proposed regulation from the department prior to the hearing. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.106. Posting of Regulations**

All specific or general regulations applying to a state park, historic site, scientific area, or fort must be posted in a conspicuous place at the park, site, or fort. A copy of the regulations shall be made available on request to persons using the park. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.107. Adoption of Penalties**

The commission may adopt the following penalties for violations of regulations issued under this subchapter:

- (1) a fine not to exceed \$25 for a first conviction;
- (2) a fine not to exceed \$50 for a second conviction of a violation of the same regulation by the same person within a six-month period;
- (3) a fine not to exceed \$200 for a third or subsequent conviction of a violation of the same regulation by the same person within a one-year period. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.108. Removal From Park**

(a) Any person directly or indirectly responsible for disruptive, destructive, or violent conduct which endangers property or the health, safety, or lives of persons or animals may be removed from a park, historic site, scientific area, or fort for a period not to exceed 48 hours.

(b) Prior to removal under this section, the person must be given notice of the provisions of this section and an opportunity to correct the conduct justifying removal.

(c) A court of competent jurisdiction may enjoin a person from reentry to the park, scientific area, site, or fort, on cause shown, for any period set by the court. (V.A.C.S. Art. 6067b, Sec. 2 (part).)

**Sec. 13.109. Enforcement of Regulations**

Regulations adopted under this subchapter may be enforced by any peace officer, including those employees of the department commissioned as peace officers under Section 11.019 of this code. A notice to appear may be issued by a peace officer for violation of a regulation on a form prescribed by the commission. (V.A.C.S. Art. 6067b, Sec. 3.)

**Sec. 13.110. Effect of Regulations**

No regulation adopted under this subchapter may amend or repeal any penal law of this state. (V.A.C.S. Art. 6067b, Sec. 5.)

[Sections 13.111-13.200 reserved for expansion]

**SUBCHAPTER C. REGULATIONS GOVERNING AREAS ADJACENT TO STATE PARKS****Sec. 13.201. Authorization**

The commission may make regulations prohibiting the use of firearms or certain types of firearms on state property adjacent to state parks and within 200 yards of the boundary of the state park. (V.A.P.C. Art. 978f-5g, Sec. 1.)

**Sec. 13.202. Application Limited**

The regulations of the commission under Section 13.201 of this code apply only to state parks located within one mile of coastal water of this state. (V.A.P.C. Art. 978f-5g, Sec. 2.)

**Sec. 13.203. Notice of Regulation; Hearing**

(a) Before making a regulation under Section 13.201 of this code, the commission shall publish notice of the proposed regulation in a newspa-

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per of general circulation in the county in which the regulation is to apply. The notice must contain the text of the proposed regulation and give the date, time, and location of the hearing on the regulation.

(b) The commission shall hold a hearing on the proposed regulation and shall hear persons who wish to speak for or against the regulation. The hearing may be held in Austin. (V.A.P.C. Art. 978f-5g, Sec. 3.)

**Sec. 13.204. Effective Date of Regulation**

A regulation made under Section 13.201 of this code takes effect 30 days after final action by the commission. (V.A.P.C. Art. 978f-5g, Sec. 4.)

**Sec. 13.205. Penalty**

A person who violates a regulation made by the commission under Section 13.201 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 978f-5g, Sec. 5.)

[Sections 13.206 13.300 reserved for expansion]

**SUBCHAPTER D. PARTICIPATION IN FEDERAL PROGRAMS**

**Sec. 13.301. Programs for the Development of Historic Sites and Structures**

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program involving the planning, acquisition, and development of historic sites and structures.

(b) The department may contract with the United States or its agencies to plan, acquire, and develop historic sites and structures in this state in conformity with any federal act concerning the development of historic sites and structures.

(c) The department shall keep financial and other records relating to programs under this section and shall furnish appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs. (V.A.C.S. Art. 6081s, Sec. 2.)

**Sec. 13.302. Programs for the Development of Outdoor Recreation Resources**

The department is the state agency to cooperate with the federal government in the administration of federal assistance programs for the planning, acquisition, operation, and development of the outdoor recreation resources of the state, including acquisition of land and water and interests in land and water. The department shall cooperate with the federal government in the administration of the provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578). (V.A.C.S. Art. 6081r, Sec. 1 (part).)

**Sec. 13.303. Cooperation With Other Agencies**

The department shall cooperate with departments of the federal government and other departments of state and local government, including as a part of the state plan, water districts, river authorities, and special

districts in outdoor recreation. The department shall issue rules and regulations to cooperate in the enforcement and administration of federal acts and rules and regulations. (V.A.C.S. Art. 6081r, Sec. 1 (part).)

#### **Sec. 13.304. Additional Powers of Counties and Special Districts**

Counties, river authorities, water districts, and other political subdivisions organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, may:

- (1) acquire land for public recreation;
- (2) construct facilities for public use on land acquired for public recreation;
- (3) provide for the operation, maintenance, and supervision of the public recreation areas;
- (4) execute agreements with other local, state, or federal agencies for planning, construction, maintenance, and operation of public recreation facilities and necessary access roads; and
- (5) maintain adequate sanitary standards on the land and water areas that are part of or adjacent to public recreation areas. (V.A.C.S. Art. 6081r, Sec. 1 (part).)

#### **Sec. 13.305. Condemnation Proceedings**

(a) The department may institute condemnation proceedings according to the laws of this state to acquire land for programs developing outdoor recreation resources under Section 13.302 of this code.

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department.

(c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility. (V.A.C.S. Art. 6081r, Sec. 1 (part).)

#### **Sec. 13.306. Application for Participation in Federal Programs**

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal outdoor recreation program.

(b) The department may contract with the United States or any appropriate federal agency to plan, acquire, and develop outdoor recreation resources of the state in conformity with the Land and Water Conservation Fund Act of 1965 or any other federal act to develop outdoor recreation resources of the state.

(c) The department shall keep financial and other records relating to the programs under this section and shall furnish to appropriate officials and agencies of the United States and of this state reports and information reasonably necessary for the administration of the programs. (V.A.C.S. Art. 6081r, Sec. 3 (part).)

#### **Sec. 13.307. Coordination of Activities**

To obtain the benefits of outdoor recreation programs under this subchapter, the department shall coordinate its activities with and represent the interests of all agencies and political subdivisions of the state as a

part of a state plan. The state plan shall include cities, counties, water districts, river authorities, and special districts in outdoor recreation having interests in the planning, development, acquisition, operation, and maintenance of outdoor recreation resources and facilities. (V.A.C.S. Art. 6081r, Sec. 3 (part).)

**Sec. 13.308. Availability of State Funds**

(a) The department may not make a commitment or an agreement to participate in an outdoor recreation program under this subchapter until sufficient funds are available to meet the state's share of the cost of the project.

(b) An outdoor recreation area or facility acquired or developed by the department under this subchapter shall be publicly maintained to the extent necessary to insure its proper operation and maintenance. (V.A.C.S. Art. 6081r, Sec. 4 (part).)

**Sec. 13.309. Availability of Local Funds**

The department may agree with the United States or any appropriate agency to plan, acquire, operate, and develop projects involving participating federal aid funds on behalf of any political subdivision of this state if the political subdivision certifies to the department that:

(1) sufficient funds are available to meet its share, if any, of the cost of the project; and

(2) the acquired or developed areas will be operated and maintained at the expense of the subdivision for public outdoor recreation use. (V.A.C.S. Art. 6081r, Sec. 4 (part).)

**Sec. 13.310. Receipt and Expenditure of Funds**

(a) The department may receive and spend federal money allocated to the state for any project established to develop outdoor recreation resources under this subchapter and for administrative and other expenses incident to the administration of these projects.

(b) The department may receive and expend funds from the state, a county, a city, or any other source for the development of outdoor recreation resources under this subchapter.

(c) The department shall deposit all funds received for the development of outdoor recreation resources in the state treasury to the credit of the state land and water conservation fund. (V.A.C.S. Art. 6081r, Sec. 5.)

**Sec. 13.311. Project Priority**

The department may make rules and regulations governing the priority of projects submitted under an outdoor recreation plan under this subchapter and within the limitations of the appropriations made for these purposes. (V.A.C.S. Art. 6081r, Sec. 7.)

**Sec. 13.312. Administration Expense**

The department may employ necessary personnel, as determined by the director, and expend amounts necessary to administer efficiently the outdoor recreation programs under this subchapter. (V.A.C.S. Art. 6081r, Sec. 8.)

**Sec. 13.313. Fish and Wildlife Restoration Projects**

The department may conduct and establish cooperative fish and wildlife restoration projects under the provisions of Public Law No. 415, Acts of the 75th Congress, and Public Law No. 681, Acts of the 81st Congress, as amended. (V.A.P.C. Art. 978f 3a, Sec. 6 (part).)

**TITLE 3. PARKS**

**CHAPTER 21. TEXAS PARK DEVELOPMENT FUND**

**SUBCHAPTER A. TEXAS PARK DEVELOPMENT BONDS**

**Section**

- 21.001. Issuance of Park Development Bonds.
- 21.002. Description of Bonds.
- 21.003. Sale Price.
- 21.004. Interest Rate.
- 21.005. Form, Denomination, Place of Payment.
- 21.006. Maturity.
- 21.007. Redemption Before Maturity.
- 21.008. Registered and Bearer Bonds.
- 21.009. Notice of Bond Sale.
- 21.010. Competitive Bids.
- 21.011. Security for Bids.
- 21.012. Approval of Bonds, Registration.
- 21.013. Execution of Bonds.
- 21.014. Facsimile Signatures and Seals.
- 21.015. Signature of Former Officer.
- 21.016. Bonds Incontestable, Valid, and Binding.
- 21.017. Evidence of Validity.
- 21.018. Payment by Treasurer.
- 21.019. Duties Enforceable
- 21.020. Refunding Bonds.
- 21.021. Bonds Negotiable Instruments
- 21.022. Bonds Not Taxable.
- 21.023. Authorized Investments.
- 21.024. Security for Deposit of Funds.
- 21.025. Mutilated, Lost, or Destroyed Bonds.

[Sections 21.026-21.100 reserved for expansion]

**SUBCHAPTER B. FUNDING PROVISIONS**

- 21.101. Texas Park Development Fund.
- 21.102. Use of Development Fund
- 21.103. Acquiring Park Sites.
- 21.104. Contracts Authorized.
- 21.105. Interest and Sinking Fund.
- 21.106. Credits to Interest and Sinking Fund.
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- 21.109. Transfers Required.
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- 21.111. Entry Fees to Parks.

## TITLE 3. PARKS

### CHAPTER 21. TEXAS PARK DEVELOPMENT FUND

#### SUBCHAPTER A. TEXAS PARK DEVELOPMENT BONDS

##### Sec. 21.001. Issuance of Park Development Bonds

The department, by resolution of the commission, from time to time may provide for the issuance of negotiable bonds in an aggregate amount not to exceed \$75 million pursuant to the provisions of Article III, Section 49-e, of the Texas Constitution. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.002. Description of Bonds

The bonds are called State of Texas Park Development Bonds and shall be issued on a parity. The department may issue them in one or several installments and shall date the bonds of each issue. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.003. Sale Price

The department may not sell an installment or series of bonds for an amount less than the face value of all of the bonds comprising the installment or series with the accrued interest from their date of issuance. (V.A.C.S. Art. 6070h, Sec. 7 (part).)

##### Sec. 21.004. Interest Rate

The department shall determine the rate of interest of an installment or series of bonds and shall determine whether interest is payable annually or semiannually. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.005. Form, Denomination, Place of Payment

The department shall determine:

- (1) the form of the bonds, including the form of any interest coupons to be attached;
- (2) the denominations of the bonds; and
- (3) the places for payment of principal and interest. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.006. Maturity

The bonds of each issue mature, serially or otherwise, not more than 40 years from their date. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.007. Redemption Before Maturity

In the resolution providing for the issuance of bonds, the department may determine the price, terms, and conditions for redemption of bonds before maturity. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

##### Sec. 21.008. Registered and Bearer Bonds

The resolution may provide for the registration of bonds as to ownership, successive conversion and reconversion from bearer to registered bonds, and successive conversion and reconversion from registered to bearer bonds. (V.A.C.S. Art. 6070h, Sec. 4 (part).)



**Sec. 21.009. Notice of Bond Sale**

(a) After determining to sell a series of bonds, the department shall publish notice of the sale at least one time not less than 10 days before the date of the sale. The notice shall be published in one or more recognized financial publications of general circulation published in the state and one or more recognized financial publications of general circulation published outside the state.

(b) The department may publish notice of the sale more than once and in more than one publication. (V.A.C.S. Art. 6070h, Sec. 7 (part).)

**Sec. 21.010. Competitive Bids**

The bonds shall be sold only after competitive bidding to the highest and best bidder. The department may reject any or all bids. (V.A.C.S. Art. 6070h, Sec. 7 (part).)

**Sec. 21.011. Security for Bids**

The department shall require every bidder, except administrators of state funds, to include with their bid an exchange or cashier's check for an amount the department considers adequate as a forfeit guaranteeing acceptance of and payment for all bonds covered by the bid. (V.A.C.S. Art. 6070h, Sec. 7 (part).)

**Sec. 21.012. Approval of Bonds; Registration**

Before delivering bonds to the purchasers, the department shall submit the bonds and the records pertaining to them for approval by the attorney general. When approval is obtained, the bonds shall be registered in the office of the comptroller of public accounts. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.013. Execution of Bonds**

(a) The bonds shall be executed on behalf of the department as general obligations of the state as provided in this section.

(b) The bonds shall be signed by the chairman and the director, and the seal of the department shall be impressed on them.

(c) The bonds shall be signed by the governor and attested by the secretary of state, and the state seal shall be impressed on them. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.014. Facsimile Signatures and Seals**

In the resolution authorizing the issuance of an installment or series of bonds, the commission may prescribe the extent to which facsimile signatures and facsimile seals instead of manual signatures and manually impressed seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed by the facsimile signatures of the chairman and the director. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.015. Signature of Former Officer**

If an officer whose signature or facsimile signature appears on a bond or whose facsimile signature appears on a coupon ceases to be an officer before the delivery of the bond, the signature is valid and sufficient for all purposes as if he had remained in office until the delivery had been made. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.016. Bonds Incontestable, Valid, and Binding**

(a) After approval by the attorney general, registration by the comptroller, and delivery to the purchaser, the bonds are incontestable and constitute general obligations of the state.

(b) After approval by the attorney general and registration by the comptroller, the bonds shall be held to be valid and binding obligations of the state in any action, suit, or other proceeding in which their validity is questioned. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.017. Evidence of Validity**

In an action to enforce collection of the bonds or rights incident to the bonds, the certificate of approval by the attorney general and a certificate of registration by the comptroller, or certified copies of these certificates, shall be received in evidence as proof of the validity of the bonds. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.018. Payment by Treasurer**

The state treasurer shall pay or cause to be paid the principal on bonds as they mature and the interest as it becomes payable. (V.A.C.S. Art. 6070h, Sec. 9-B (part).)

**Sec. 21.019. Duties Enforceable**

The performance of the official duties of the comptroller and the treasurer may be enforced by mandamus or other appropriate proceeding. (V.A.C.S. Art. 6070h, Sec. 9-B (part).)

**Sec. 21.020. Refunding Bonds**

The commission may provide by resolution for the issuance of refunding bonds. The department may sell these bonds and use the proceeds to retire the outstanding bonds issued under this chapter, including interest accrued on outstanding bonds, or the department may exchange refunding bonds for outstanding bonds, including accrued interest. The issuance of the refunding bonds, their maturity, the rights of the bondholders, and the duties of the department with respect to refunding bonds are governed by the provisions of this chapter relating to the original bonds, to the extent they are applicable and by refunding statutes of general application not in conflict with the provisions of this chapter. (V.A.C.S. Art. 6070h, Sec. 5.)

**Sec. 21.021. Bonds Negotiable Instruments**

The bonds issued under the provisions of this chapter are negotiable instruments under the laws of this state. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

**Sec. 21.022. Bonds Not Taxable**

Bonds issued under this chapter, income from the bonds, and profit made on their sale are free from taxation within this state. (V.A.C.S. Art. 6070h, Sec. 6 (part).)

**Sec. 21.023. Authorized Investments**

Bonds issued under this chapter are legal and authorized investments for:

- (1) banks;
- (2) savings banks;
- (3) trust companies;
- (4) building and loan and savings and loan associations;
- (5) insurance companies;
- (6) fiduciaries;
- (7) trustees;
- (8) guardians; and
- (9) sinking funds of cities, towns, villages, counties, school districts, and other political subdivisions and public agencies of the state. (V.A.C.S. Art. 6070h, Sec. 6 (part).)

**Sec. 21.024. Security for Deposit of Funds**

Bonds issued under this chapter, when accompanied by all appurtenant unmatured coupons, are lawful and sufficient security for all deposits of funds of the state or of a city, town, village, county, school district, or other political subdivision or agency of the state, at the par value of the bonds. (V.A.C.S. Art. 6070h, Sec. 6 (part).)

**Sec. 21.025. Mutilated, Lost, or Destroyed Bonds**

The department may provide for the replacement of a mutilated, lost, or destroyed bond. (V.A.C.S. Art. 6070h, Sec. 4 (part).)

[Sections 21.026-21.100 reserved for expansion]

**SUBCHAPTER B. FUNDING PROVISIONS****Sec. 21.101. Texas Park Development Fund**

(a) The Texas Park Development Fund, referred to as the "development fund," is created pursuant to the provisions of Article III, Section 19-e, of the Texas Constitution.

(b) Proceeds derived from the sale of Texas Park Development Bonds shall be deposited in the development fund. (V.A.C.S. Art. 6070h, Sec. 4 (part), Sec. 9 (part).)

**Sec. 21.102. Use of Development Fund**

The department may use the development fund only for:

- (1) acquiring state park sites from the United States or any of its agencies, agencies of the state, or any other person;
- (2) improving, developing, beautifying, and equipping acquired park sites; and
- (3) paying expenses incurred in issuing bonds. (V.A.C.S. Art. 6070h, Sec. 9 (part), Sec. 10 (part).)

**Sec. 21.103. Acquiring Park Sites**

(a) Except as provided in Subsection (b) of this section, the department may acquire park sites, including property already devoted to public use, by purchase, condemnation, or other manner.

(b) No real property of the state or a political subdivision of the state may be acquired without its consent.

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(c) The department shall exercise the power of eminent domain in the manner prescribed by general law, including the provisions of Section 13.305 of this code. (V.A.C.S. Art. 6070h, Sec. 10 (part).)

**Sec. 21.104. Contracts Authorized**

The department may contract with any state or federal agency or with any other person to accomplish the functions prescribed by Subdivisions (1) and (2) of Section 22.102 of this code. (V.A.C.S. Art. 6070h, Sec. 10 (part).)

**Sec. 21.105. Interest and Sinking Fund**

The Texas park development bonds interest and sinking fund, referred to as the "interest and sinking fund," is created to be used exclusively for:

- (1) paying the principal of Texas Park Development Bonds as they mature;
- (2) paying the interest on the bonds as it comes due; and
- (3) paying exchange and collection charges in connection with the bonds. (V.A.C.S. Art. 6070h, Sec. 9 (part).)

**Sec. 21.106. Credits to Interest and Sinking Fund**

(a) Accrued interest received in the sale of bonds, net income received from entrance or gate fees to state park sites, and income from investments of the development fund and the interest and sinking fund shall be credited to the interest and sinking fund.

(b) In the resolution authorizing a series of bonds, the commission may appropriate from the proceeds of the sale of bonds an amount which, together with accrued interest received, is sufficient to pay interest coupons coming due during the fiscal year in which the bonds are sold and to establish appropriate reserves. (V.A.C.S. Art. 6070h, Sec. 9 C (part), Sec. 9 (part).)

**Sec. 21.107. Additional Transfers**

(a) If the amount credited to the sinking and interest fund at the end of the fiscal year is insufficient to pay the interest coming due and the principal maturing on bonds for the next fiscal year, the state treasurer shall transfer from the first money coming into the treasury, not otherwise appropriated by the constitution, an amount stipulated in the certification of the director as is necessary to pay the interest and principal on the bonds.

(b) The director shall certify the amount required to be stipulated by Subsection (a) of this section as of August 15 of each fiscal year. (V.A.C.S. Art. 6070h, Sec. 9 A (part).)

**Sec. 21.108. Interest and Sinking Fund: Final Transfer**

After all bonds have been paid, the balance of the interest and sinking fund shall be transferred to the state parks fund. (V.A.C.S. Art. 6070h, Sec. 9 A (part).)

**Sec. 21.109. Transfers Required**

The state comptroller shall make any transfer required by this chapter. (V.A.C.S. Art. 6070h, Sec. 9 B (part).)

**Sec. 21.110. Investment of Funds**

(a) The department may invest the development fund and, in making the investments, is governed by the provisions of Chapter 401, Acts of the 60th Legislature, Regular Session, 1967

(b) The department may invest the interest and sinking fund only in direct obligations of the United States or in obligations the principal and interest of which are guaranteed by the United States. (V.A.C.S. Art. 6070h, Sec. 9 C (part).)

**Sec. 21.111. Entry Fees to Parks**

(a) The department, wherever feasible and so long as any of the bonds are outstanding, shall charge and collect an entrance fee to state park sites.

(b) Income derived from the fees required by this section, less expenses incurred in collecting the fees, shall be deposited in a special fund with the state treasurer. The amounts deposited are net income. (V.A.C.S. Art. 6070h, Sec. 8.)

**CHAPTER 22. STATE PARKS****SUBCHAPTER A. FANNIN STATE BATTLEGROUND****Section**

- 22.001. Jurisdiction.
- 22.002. Fannin State Park Advisory Commission.
- 22.003. Meetings.
- 22.004. Powers of Advisory Commission.
- 22.005. Data.
- 22.006. Concession Account

[Sections 22.007-22.010 reserved for expansion]

**SUBCHAPTER B. SAN JACINTO BATTLEGROUND**

- 22.011. Jurisdiction
- 22.012. San Jacinto Historical Advisory Board.
- 22.013. Meetings.
- 22.014. Powers of the Board.
- 22.015. Data.
- 22.016. San Jacinto Museum of History Association.

[Sections 22.017-22.020 reserved for expansion]

**SUBCHAPTER C. PALO DURO CANYON STATE PARK**

- 22.021. Jurisdiction
- 22.022. Powers of Department
- 22.023. Disposition of Income
- 22.024. Issuance of Bonds.
- 22.025. Interest on Bonds.
- 22.026. Maturity of Bonds
- 22.027. Redemption Before Maturity
- 22.028. Sale of Bonds
- 22.029. Pledge of Income
- 22.030. Right to Issue Additional Bonds
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- 22.032. Form of Bonds.**
- 22.033. Refunding of Bonds.**
- 22.034. Employment of Personnel.**
- 22.035. Approval by Attorney General.**
- 22.036. Payment of Interest and Expenses.**
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- 22.052. Historical Improvements.**
- 22.053. Improvements.**
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- 22.056. Competitive Bids.**
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**SUBCHAPTER E. HUNTSVILLE STATE PARK**

- 22.071. Improvements.**
- 22.072. Permit for Dam.**
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**SUBCHAPTER F. GOLIAD STATE PARK**

- 22.081. Jurisdiction.**
- 22.082. General Ignacio Zaragoza Birthplace.**
- 22.083. Mission of San Rosario.**
- 22.084. Improvements.**
- 22.085. Reversion of Title; Mineral Reservation.**

[Sections 22.086 22.090 reserved for expansion]

**SUBCHAPTER G. MISSION SAN FRANCISCO DE LOS TEJAS  
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- 22.091. Facilities; Park Site.**
- 22.092. Timber Sale.**
- 22.093. Competitive Bids**
- 22.094. Advertising for Bids**
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**SUBCHAPTER H. PORT ISABEL LIGHTHOUSE STATE  
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**Section**

**22.101. Jurisdiction.**

**22.102. Powers of Department.**

[Sections 22.103- 22.110 reserved for expansion]

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**22.111. Control.**

**22.112. Acceptance of Gifts.**

**22.113. Title to Park.**

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**SUBCHAPTER J. STEPHEN F. AUSTIN STATE PARK**

**22.121. Jurisdiction.**

[Sections 22.122 -22.150 reserved for expansion]

**SUBCHAPTER K. NIMITZ STATE PARK**

**22.151. Jurisdiction.**

**22.152. Powers of Department.**

[Sections 22.153 -22.160 reserved for expansion]

**SUBCHAPTER L. EISENHOWER STATE PARK**

**22.161. Jurisdiction.**

**22.162. Powers of Department.**

**22.163. Definitions.**

**22.164. Right to Use Roads.**

**22.165. Permits.**

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**SUBCHAPTER M. GOVERNOR JAMES STEPHEN HOGG  
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**22.171. Governor Hogg Memorial.**

[Sections 22.172 -22.180 reserved for expansion]

**SUBCHAPTER N. ACQUISITION OF CERTAIN STATE PARKS**

**22.181. Spanish Missions.**

**22.182. Texas State Railroad.**

**22.183. Hubbard Lake.**

**22.184. Fishing Piers.**

**CHAPTER 22. STATE PARKS**

**SUBCHAPTER A. FANNIN STATE BATTLEGROUND**

**Sec. 22.001. Jurisdiction**

Fannin State Battleground is under the jurisdiction of the department  
(V.A.C.S. Art. 6071b, Sec. 1 (part).)

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**Sec. 22.002. Fannin State Park Advisory Commission**

(a) The Fannin State Park Advisory Commission is composed of three residents of the state appointed by the governor.

(b) Members serve terms of six years each, with the term of one member expiring each odd-numbered year. (V.A.C.S. Art. 6077m—2, Sec. 5(a).)

**Sec. 22.003. Meetings**

The Fannin State Park Advisory Commission shall meet quarterly to review the policies and operation of the battleground and to advise the department on the proper historical development of the battleground. (V.A.C.S. Art. 6077m—2, Sec. 5(b).)

**Sec. 22.004. Powers of Advisory Commission**

The Fannin State Park Advisory Commission may accept, in the name of the state, all bequests, gifts, and grants of money or property made to the battleground and use the bequests for the purposes specified by the grantor, if any. (V.A.C.S. Art. 6077m—2, Sec. 5(b).)

**Sec. 22.005. Data**

All data collected by the advisory commission is the property of the state and shall be used to depict the story of Texas history and independence at the battleground. (V.A.C.S. Art. 6077m—2, Sec. 5(b).)

**Sec. 22.006. Concession Account**

A Fannin State concession account may be established in the treasury according to the rules and procedures established by the department. (V.A.C.S. Art. 6077m—2, Sec. 6.)

[Sections 22.007–22.010 reserved for expansion]

**SUBCHAPTER B. SAN JACINTO BATTLEGROUND**

**Sec. 22.011. Jurisdiction**

The San Jacinto Battleground is under the jurisdiction of the department. (V.A.C.S. Art. 6071b, Sec. 1 (part).)

**Sec. 22.012. San Jacinto Historical Advisory Board**

(a) The San Jacinto Historical Advisory Board is composed of:

- (1) the chairman of the Battleship Texas Commission;
- (2) the president of the San Jacinto Museum of History Association; and
- (3) three members of the public.

(b) The three members of the public are appointed by the governor for terms of six years each, with the term of one member expiring each odd-numbered year.

(c) One or more of the three members of the public may be selected from the San Jacinto Chapter, Daughters of the Republic of Texas. (V.A.C.S. Art. 6071c, Sec. 3.)

**Sec. 22.013. Meetings**

The San Jacinto Historical Advisory Board shall meet quarterly to review the policies and operations of the San Jacinto Battleground and to



advise the department on the proper historical development of the battleground. (V.A.C.S. Art. 6071c, Sec. 4 (part).)

**Sec. 22.014. Powers of the Board**

The board may accept, in the name of the state, all bequests, gifts, and grants of money or property made to the battleground and use the bequests for the purposes specified by the grantor, if any. (V.A.C.S. Art. 6071c, Sec. 4 (part).)

**Sec. 22.015. Data**

All data collected by the board is the property of the state and shall be used to depict the story of Texas history and independence at the battleground. (V.A.C.S. Art. 6071c, Sec. 4 (part).)

**Sec. 22.016. San Jacinto Muesum of History Association**

The San Jacinto Museum of History Association, a nonprofit historical association organized for the purposes of operating the San Jacinto Memorial Building and Tower and establishing a museum, retains ownership of property and historical data held in the name of the association and may acquire museum accessions by gift, grant, or purchase from association funds. (V.A.C.S. Art. 6071c, Sec. 4 (part).)

[Sections 22.017 -22.020 reserved for expansion]

**SUBCHAPTER C. PALO DURO CANYON STATE PARK**

**Sec. 22.021. Jurisdiction**

(a) The Palo Duro Canyon State Park is under the jurisdiction of the department. (New.)

(b) The original boundaries of the park include the land located in Armstrong and Randall counties and described in the deed executed by Fred A. Emery and wife to Texas State Parks Board, July 28, 1933, and recorded in Volume 69, pages 347 through 350, of the deed records of Randall County. (V.A.C.S. Art. 6077j, Sec. 7.)

**Sec. 22.022. Powers of Department**

(a) The department may:

- (1) fix entrance fees for admission to the park;
- (2) fix charges to be collected from patrons of the park;
- (3) execute grazing leases covering all or part of the park land;
- (4) grant concessions in the park;
- (5) make improvements in the park; and
- (6) execute any other contracts necessary to carry out the provisions of this subchapter.

(b) Improvements may include the construction of dams to impound water to form a lake or lakes for recreational and other conservation purposes within the park. Before constructing any dam or lake, the commission must obtain permits required by law from the Texas Water Rights Commission. (V.A.C.S. Art. 6077j, Sec. 5 (part); Art. 6077j-1, Sec. 1.)

**Sec. 22.023. Disposition of Income**

The department shall use the income derived from leases, royalties, and operation of the park necessary for maintaining, improving, and operating the park. One-half of the balance of the unexpended income may be used by the department on other state parks, and the remaining one-half

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and any other unexpended balance shall be transferred to the general revenue fund at the end of each biennium. (V.A.C.S. Art. 6077j, Sec. 5 (part).)

**Sec. 22.024. Issuance of Bonds**

The department may issue bonds necessary for the construction of improvements in the park. (V.A.C.S. Art. 6077j-1, Sec. 2 (part).)

**Sec. 22.025. Interest on Bonds**

Interest on the bonds may not exceed six percent per year, computed with relation to the absolute maturity of the bonds in accordance with standard bond interest tables currently in use by insurance companies and investment houses, excluding from the computation the amount of any premium to be paid on redemption of any bonds prior to maturity. (V.A.C.S. Art. 6077j-1, Sec. 2 (part).)

**Sec. 22.026. Maturity of Bonds**

The bonds may mature, serially or otherwise, not more than 40 years from the date of their issuance. (V.A.C.S. Art. 6077j-1, Sec. 2 (part).)

**Sec. 22.027. Redemption Before Maturity**

The department may fix the price, terms, and conditions for redemption of the bonds before maturity in the authorizing proceedings. (V.A.C.S. Art. 6077j-1, Sec. 2 (part).)

**Sec. 22.028. Sale of Bonds**

The bonds may be sold, at public or private sale, at a price and under terms determined by the department to be the most advantageous terms reasonably obtainable. (V.A.C.S. Art. 6077j-1, Sec. 2 (part).)

**Sec. 22.029. Pledge of Income**

The department may irrevocably pledge the rents, revenues, and income from the improvements financed by the bonds and from any other revenue-producing facilities or properties of the park, including the fees collected for admission to the park, to the payment of the interest on and the principal of the bonds and may enter into agreements regarding the imposition of charges and the collection, pledge, and disposition of revenue. (V.A.C.S. Art. 6077j-1, Sec. 3 (part).)

**Sec. 22.030. Right to Issue Additional Bonds**

In pledging the rents, revenues, and income, the department may expressly reserve the right to issue additional bonds on a parity with or subordinate to the bonds then being issued. (V.A.C.S. Art. 6077j-1, Sec. 3 (part).)

**Sec. 22.031. Additional Security for Bonds**

(a) If, after reasonable effort, the department is unable to sell the bonds, the bonds may be additionally secured by a deed of trust lien on the land and property comprising the park, or any part of it, after the department has obtained written approval of the governor.

(b) The governor may not give his approval under this section until he has obtained the advice and consent of the Legislative Budget Board. (V.A.C.S. Art. 6077j-1, Sec. ... (part).)

**Sec. 22.032. Form of Bonds**

The department may prescribe the form, conditions, and details of the bonds in accordance with the provisions of this subchapter (V.A.C.S. Art. 6077j-1, Sec. 4 (part).)

**Sec. 22.033. Refunding of Bonds**

(a) A bond issued by the department under a law of this state which is payable from any part of the revenues of a revenue-producing facility or property of Palo Duro Canyon State Park may be refunded or refinanced by the department under this subchapter.

(b) The provisions of this subchapter are applicable to a refunding bond.

(c) In the same authorizing proceedings, the department may refund or refinance any bond issued under this subchapter and combine all refunding bonds and any new bonds to be issued into one or more issues or series and may provide for the subsequent issuance of additional parity bonds under terms and conditions set out in the authorizing proceedings. (V.A.C.S. Art. 6077j-1, Sec. 5.)

**Sec. 22.034. Employment of Personnel**

The department may employ engineers, attorneys, and fiscal agents or financial advisors necessary in the issuance or refunding of bonds. (V.A.C.S. Art. 6077j-1, Sec. 6 (part).)

**Sec. 22.035. Approval by Attorney General**

(a) The bonds and all records relating to their issuance must be submitted to the attorney general for examination prior to delivery.

(b) The attorney general shall approve the bonds if he finds that they have been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the department.

(c) Bonds approved by the attorney general must be registered by the comptroller of public accounts.

(d) After approval and registration, the bonds are incontestable. (V.A.C.S. Art. 6077j-1, Sec. 8 (part).)

**Sec. 22.036. Payment of Interest and Expenses**

The department may set aside amounts from the proceeds of the sale of a bond issue for:

(1) the payment of interest anticipated to accrue during the construction period;

(2) a deposit into the reserve for the interest and sinking fund to the extent prescribed in the authorizing proceedings, and

(3) payment of attorney's fees, engineer's fees, and expenses of the issuance and sale of bonds, including the fees of fiscal agents or financial advisors. (V.A.C.S. Art. 6077j-1, Sec. 6 (part).)

**Sec. 22.037. Legal Investments**

(a) Bonds issued under this subchapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.

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(b) The bonds are eligible to secure the deposit of the public funds of the state, cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.

(c) The bonds are lawful and sufficient security for deposits to the extent of their value when accompanied by all unmatured coupons. (V.A.C.S. Art. 6077j-1, Sec. 7.)

**Sec. 22.038. Negotiable Instruments**

Bonds issued under this subchapter are negotiable instruments under the laws of this state. (V.A.C.S. Art. 6077j-1, Sec. 8 (part).)

**Sec. 22.039. Debt Against the State**

Nothing in this subchapter creates a debt against the state or binds the state in any way except as to the mortgage of the land and property comprising the Palo Duro Canyon State Park and as to the pledge of the rents, revenue, and income from the park. (V.A.C.S. Art. 6077j-1, Sec. 9.)

[Sections 22.040–22.050 reserved for expansion]

**SUBCHAPTER D. JIM HOGG MEMORIAL PARK**

**Sec. 22.051. Jurisdiction**

(a) The Jim Hogg Memorial Park is under the jurisdiction of the department.

(b) The original boundaries of the park include approximately 180 acres, formerly a part of the General Joseph L. Hogg homestead in Cherokee County. (V.A.C.S. Art. 6077h (part).)

**Sec. 22.052. Historical Improvements**

To the extent possible, the department shall maintain a replica of the original Hogg home and the grounds adjacent to the residence. (V.A.C.S. Art. 6077h (part).)

**Sec. 22.053. Improvements**

The department may repair or construct facilities for recreational and park purposes at the park and may work in conjunction with other governmental agencies for this purpose. (V.A.C.S. Art. 6077h-1, Sec. 1 (part).)

**Sec. 22.054. Sale and Use of Timber**

(a) The department may use timber cut from the land in the park to repair or construct improvements.

(b) The department may sell timber from the land in the park to finance the construction or repair of improvements.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service. (V.A.C.S. Art. 6077h-1, Sec. 1 (part).)

**Sec. 22.055. Sale of Iron Ore**

(a) The department may sell iron ore in place located in the park. The department may grant all rights necessary for the development of the iron ore to the purchasers of the iron ore.

(b) The chairman of the commission, on behalf of the department, may execute and deliver the necessary instruments to convey the iron ore in place to the purchasers. (V.A.C.S. Art. 6077h-2, Sec. 1.)

**Sec. 22.056. Competitive Bids**

(a) Timber and iron ore may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service for the sale of timber and of the department for the sale of iron ore. The department must approve the contract for sale of timber.

(b) The Texas Forest Service shall keep on file the bids for timber sale. The bids are public records. Copies of the bids shall be given to the department.

(c) The department shall keep on file the bids for the sale of iron ore. The bids are public records.

(d) The Texas Forest Service may reject any or all bids for timber sale and readvertise for new bids. The department may reject any or all bids for iron ore sale and readvertise for new bids. (V.A.C.S. Art. 6077h-1, Sec. 2 (part); Art. 6077h-2, Sec. 2 (part).)

**Sec. 22.057. Advertising for Bids**

(a) The Texas Forest Service shall advertise for the sale of timber. The department shall advertise for the sale of iron ore.

(b) The sale must be advertised for two weeks in at least one weekly newspaper published and circulated in Cherokee County.

(c) The advertisement must contain the necessary information pertaining to the sale and the time and place for receiving bids.

(d) The first advertisement must be at least 10 days before the date of receiving bids. (V.A.C.S. Art. 6077h-1, Sec. 2 (part); Art. 6077h-2, Sec. 2 (part).)

**Sec. 22.058. Regulations**

The department shall adopt regulations, forms, and contracts for the sale of iron ore and protection of the income produced from the sale. (V.A.C.S. Art. 6077h-2, Sec. 4.)

**Sec. 22.059. Disposition of Funds**

Money received from the sale of timber or iron ore from the land in the park shall be placed in the state treasury to the credit of the Jim Hogg State Park building fund. The fund shall be used by the department for the improvement of the park. (V.A.C.S. Art. 6077h-1, Sec. 3, Art. 6077h-2, Sec. 3.)

[Sections 22.060-22.070 reserved for expansion]

**SUBCHAPTER E. HUNTSVILLE STATE PARK****Sec. 22.071. Improvements**

(a) The department may construct and repair improvements to be used for recreational and park purposes in Huntsville State Park, including dams to impound water and form reservoirs or lakes.

(b) The department may cooperate with other governmental agencies in making the improvements. (V.A.C.S. Art. 6077p, Sec. 1 (part).)

**Sec. 22.072. Permit for Dam**

A dam may not be constructed until a permit has been obtained from the Texas Water Rights Commission. (V.A.C.S. Art. 6077p, Sec. 1 (part).)

**Sec. 22.073. Sale and Use of Timber**

(a) The department may use timber cut from land in the park to repair or construct improvements.

(b) The department may sell timber from land in the park to finance the construction or repair of improvements and dams.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service.

(d) The amount of timber sold may not exceed \$250,000. (V.A.C.S. Art. 6077p, Sec. 1 (part).)

**Sec. 22.074. Competitive Bids**

(a) Timber may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(b) All bids shall be kept on file by the Texas Forest Service and are public records. Copies of the bids shall be furnished to the department.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids. (V.A.C.S. Art. 6077p, Sec. 2 (part).)

**Sec. 22.075. Advertising for Bids**

(a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Walker County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10 days before the date of receiving bids. (V.A.C.S. Art. 6077p, Sec. 2 (part).)

**Sec. 22.076. Disposition of Funds**

Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of the Huntsville State Park building fund to be used by the department for purposes authorized by this subchapter. (V.A.C.S. Art. 6077p, Sec. 3.)

[Sections 22.077-22.080 reserved for expansion]

**SUBCHAPTER F. GOLIAD STATE PARK**

**Sec. 22.081. Jurisdiction**

Goliad State Park, including the General Ignacio Zaragoza Birthplace and the Mission of San Rosario, is under the jurisdiction of the department. (New.)

**Sec. 22.082. General Ignacio Zaragoza Birthplace**

(a) The department may care for and protect the birthplace of General Ignacio Zaragoza and shall designate the site as the General Ignacio Zaragoza Birthplace.

(b) The site originally accepted by the state includes approximately two acres, described as lots 4, 5, 6, 11, 12, 13, 14, 15, and 16 in Block X, La Bahia Townsite, in Goliad County. (V.A.C.S. Art. 6077s, Sec. 1 (part), 2 (part).)

**Sec. 22.083. Mission of San Rosario**

(a) The department shall care for the grounds of the Mission of San Rosario as a suitable and appropriate memorial and shall enclose the mission grounds with an appropriate and substantial park fence.

(b) The original boundaries of the mission consist of the surface title of 4.77 acres of land in the County of Goliad, Texas, said 4.77 acres of land, more or less, being the following described parcel of land:

BEGINNING at a concrete monument in the Southeast Right-of-Way line of State Highway No. 12, same being a R/W marker for said Highway, and being 50 ft. at right angles from the center line of said Highway, and marked Sta. 914/00;

THENCE South 39 deg. 36 min. West, with right-of-way fence, 295.9 ft. to a concrete monument for corner of this present survey;

THENCE South 56 deg. 02 min. East, at 148.0 ft. an iron pipe, at 350.0 ft. a concrete monument for corner of this present survey;

THENCE South 32 deg. 08 min. East, at 69.9 ft. an iron pipe, at 193.3 ft. a tack in cedar post at 241.4 ft. a concrete monument for corner of this present survey;

THENCE North 83 deg. 35 min. East, 193.4 ft. to a concrete monument for corner of this present survey;

THENCE North 17 deg. 46 min. East, at 109.7 ft. an iron pipe, at 227.3 ft. a concrete monument for corner of this present survey;

THENCE North 43 deg. 17 min. West, at 116.8 ft. an iron pipe, at 240.5 ft. a concrete monument for corner of this present survey;

THENCE North 57 deg. 21 min. West, at 193.3 ft. an iron pipe, at 356.3 ft. a concrete monument for corner of this present survey; same being a highway R/W marker for said Highway for extra width in R/W and also marked Sta. 914/00;

THENCE North 49 deg. 55 min. West, with Highway R/W line, 34.9 ft. to the place of beginning;

Containing Four and 77/100 (4.77) acres of land and all being out of Maria de Jesus de Leon Survey, Abstract 21, Goliad County, Texas.

Said 4.77 acres of land, more or less, being the land conveyed to the County of Goliad by William J. O'Connor on July 15, 1935, as shown by deed of such date duly recorded in Volume 77, Page 565, of the Deed Records of Goliad County, Texas, on July 17, 1935, and to which reference is here made for all pertinent purposes. (V.A.C.S. Art. 6077a-1, Sec. 1, 2 (part).)

**Sec. 22.084. Improvements**

The department may construct, maintain, and repair historical and recreational structures and facilities in the park. (V.A.C.S. Art. 6077s, Sec. 2 (part); Art. 6077a-1, Sec. 2 (part).)

**Sec. 22.085. Reversion of Title; Mineral Reservation**

(a) If the state ceases to use the General Ignacio Zaragoza Birthplace or the Mission of San Rosario as park land, all right, title, and interest shall revert to Goliad County.

(b) All minerals under the land accepted as the Mission of San Rosarío are excepted from any conveyance to the state. (V.A.C.S. Art. 6077s, Sec. 1 (part); Art. 6077a-1, Sec. 3.)

[Sections 22.086-22.090 reserved for expansion]

**SUBCHAPTER G. MISSION SAN FRANCISCO DE LOS  
TEJAS STATE PARK**

**Sec. 22.091. Facilities; Park Site**

(a) The department may construct and repair facilities for recreational and other appropriate purposes at Mission San Francisco de los Tejas State Park.

(b) The original boundaries of the park include portions of Hardy Ware Survey, Abstract 1240, situated on the N side of Highway No. 21, about 21 miles NE from the City of Crockett, and being the same tracts of land conveyed to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, more particularly described by the following deeds, to-wit:

Deed from Mrs. Kittie A. Cook, surviving widow of T. S. Cook, deceased, dated October 16, 1939, recorded in Book 200, page 533, Deed Records of Houston County, Texas;

Deed from Southern Pine Lumber Company, dated September 20, 1935, recorded in Book 170, page 367, Deed Records of Houston County, Texas;

Deed from Mrs. Kittie A. Cook, surviving widow of T. S. Cook, deceased, dated February 1, 1935, recorded in Book 166, page 141, Deed Records of Houston County, Texas;

Deed from C. H. Callaway, Trustee, dated January 3, 1935, recorded in Volume 164, page 543, Deed Records of Houston County, Texas. (V.A.C.S. Art. 6077q, Sec. 1, 2 (part).)

**Sec. 22.092. Timber Sale**

(a) The department may sell timber from land in the park and may use timber of the park to repair or construct improvements in the park.

(b) Timber may be cut for salvage purposes only or under good forestry practices with the advice of the Texas Forest Service. (V.A.C.S. Art. 6077q, Sec. 2 (part).)

**Sec. 22.093. Competitive Bids**

(a) Timber may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(b) All bids shall be kept on file by the Texas Forest Service and are public records.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids. (V.A.C.S. Art. 6077q, Sec. 3 (part).)

**Sec. 22.094. Advertising for Bids**

(a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Houston County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10 days before the date of receiving bids. (V.A.C.S. Art. 6077q, Sec. 3 (part).)



**Sec. 22.095. Disposition of Funds**

Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of a special fund known as the Mission San Francisco de los Tejas State Park building fund to be used by the department for purposes authorized by this subchapter. (V.A.C.S. Art. 6077q, Sec. 4.)

[Sections 22.096-22.100 reserved for expansion]

**SUBCHAPTER H. PORT ISABEL LIGHTHOUSE STATE HISTORICAL MONUMENT AND PARK****Sec. 22.101. Jurisdiction**

The Port Isabel Lighthouse is a state historical monument and park and is under the jurisdiction of the department. (V.A.C.S. Art. 6077l, Sec. 1.)

**Sec. 22.102. Powers of Department**

The department may rehabilitate, maintain, and preserve the property of the park, and may collect entrance fees for admission to the park or operate it on a concession basis under the provisions of this code. (V.A.C.S. Art. 6077l, Sec. 2.)

[Sections 22.103-22.110 reserved for expansion]

**SUBCHAPTER I. HUECO TANKS STATE PARK****Sec. 22.111. Control**

The department has control of Hueco Tanks State Park and shall improve, preserve, restore, and protect the land and property in the park. (V.A.C.S. Art. 6077r, Sec. 2.)

**Sec. 22.112. Acceptance of Gifts**

The department may accept gifts for constructing, building, advertising, or creating the park, including gifts for public exhibition that relate to the history of the park or the state. (V.A.C.S. Art. 6077r, Sec. 3.)

**Sec. 22.113. Title to Park**

The title of the land known as Hueco Tanks in El Paso County is in the name of the state and is subject to limitations, conditions, and exceptions made by the former owners and approved by the department or the department's predecessor. (V.A.C.S. Art. 6077r, Sec. 1.)

[Sections 22.114-22.120 reserved for expansion]

**SUBCHAPTER J. STEPHEN F. AUSTIN STATE PARK****Sec. 22.121. Jurisdiction**

Stephen F. Austin State Park is under the jurisdiction of the department. The department shall improve, preserve, and protect the land in the park. (V.A.C.S. Art. 6077g, Sec. 2.)

[Sections 22.122-22.150 reserved for expansion]

**SUBCHAPTER K. NIMITZ STATE PARK**

**Sec. 22.151. Jurisdiction**

The Nimitz State Park, located near Fredericksburg in Gillespie County, is under the jurisdiction of the department. (V.A.C.S. Art. 6077k, Sec. 1 (part), 3 (part).)

**Sec. 22.152. Powers of Department**

The department may:

- (1) accept gifts for the construction, building, or advertising of the park;
- (2) accept gifts for exhibition dealing with the history or life of Fleet Admiral Chester W. Nimitz;
- (3) advertise the affairs of the park;
- (4) make rules and regulations for administration of the park;
- (5) hire personnel necessary to carry out its duties;
- (6) grant concessions; and
- (7) operate and maintain the park. (V.A.C.S. Art. 6077k, Sec. 2, 3 (part).)

[Sections 22.153–22.160 reserved for expansion]

**SUBCHAPTER L. EISENHOWER STATE PARK**

**Sec. 22.161. Jurisdiction**

The Eisenhower State Park, located near Lake Texoma in Grayson County, is under the jurisdiction of the department. (V.A.C.S. Art. 6077k, Sec. 1, 3 (part).)

**Sec. 22.162. Powers of Department**

The department may:

- (1) accept gifts for the construction, building, or advertising of the park;
- (2) accept gifts for exhibition dealing with the history or life of Dwight D. Eisenhower;
- (3) advertise the affairs of the park;
- (4) make rules and regulations for administration of the park;
- (5) hire personnel necessary to carry out its duties;
- (6) grant concessions; and
- (7) operate and maintain the park. (V.A.C.S. Art. 6077k, Sec. 2, 3 (part).)

**Sec. 22.163. Definitions**

As used in this subchapter:

- (1) “Impacted property” means that real property located in Grayson County adjacent to or near the western end of Eisenhower State Park that is described as:

(A) Lots 54–79 in “Elm Ridge Homesite Area” as described on a survey and plat of this area by B. & B. Engineering Co. in May, 1958, recorded in Plat Book 1, Page 73, Deed Records, Grayson County, Texas; and

(B) the East one-half and the West one-half of a 60.49 acre tract being part of the survey patented to Alan Carter, Abstract

No. 231, dated June 22, 1851, and also being part of the J. A. Sadler 380 acre tract except the 316.05 acres thereof described in a deed to the United States of America, recorded in Volume 432, Page 389, Deed Records, Grayson County, Texas.

(2) "Owner" means the owner or a lessee of impacted property.

(3) "Guest" means a business or personal guest or an employee of an owner of impacted property. (Acts 62nd Legis., Reg.Sess., Ch. 955, Sec. 1.)

#### **Sec. 22.164. Right to Use Roads**

(a) Owners, their family members, and their guests may use the roads of the park without charge for egress from or ingress to the impacted property when traveling between the impacted property and points east of the park.

(b) Owners, their family members, and their guests may use throughout the year whatever road is maintained by the department for travel by automobiles between the eastern and western points of the park and may enter the park at the points at which they were able to enter the park and its roads prior to November 1, 1968, or other reasonably located points the department may direct by regulation. (Acts 62nd Legis., Reg. Sess., Ch. 955, Sec. 3, 4(a).)

#### **Sec. 22.165. Permits**

(a) The department may require owners, their family members, and their guests to obtain permits for entrance into and use of park roads under this subchapter.

(b) Permits shall be issued automatically on presentation of proper identification.

(c) Permits are valid for at least one year and shall be automatically renewed for owners and their family members.

(d) Permits for guests of owners shall be valid for the period of time requested by the owner. (Acts 62nd Legis., Reg.Sess., Ch. 955, Sec. 4(b).)

[Sections 22.166 22.170 reserved for expansion]

### **SUBCHAPTER M. GOVERNOR JAMES STEPHEN HOGG MEMORIAL SHRINE**

#### **Sec. 22.171. Governor Hogg Memorial**

The Governor James Stephen Hogg Memorial Shrine, located near Quitman, Wood County, is established. (V.A.C.S. Art. 6145-1, Art. I.)

[Sections 22.172 22.180 reserved for expansion]

### **SUBCHAPTER N. ACQUISITION OF CERTAIN STATE PARKS**

#### **Sec. 22.181. Spanish Missions**

(a) The department may acquire the following Spanish Mission sites, located in Milam County:

- (1) Nuestra Senora de la Candelaria;
- (2) San Francisco Xavier de los Dolores; and
- (3) San Ildefonso.

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(b) The department may acquire the sites with available or appropriated funds or may accept gifts for acquisition, construction, or restoration of the sites. (Acts 62nd Legis., Reg.Sess., Ch. 601.)

**Sec. 22.182. Texas State Railroad**

(a) Except as provided in Subsection (b) of this section, the department may operate any part of the Texas State Railroad as a part of the state parks system for park and recreational purposes. All revenues collected from leases or concessions shall be deposited in the state treasury to the credit of the state parks fund.

(b) The board of managers of the Texas State Railroad shall exercise control and management of the right-of-way and trackage of the Texas State Railroad from Mile Post 0.0 at Palestine, extending eastwardly to Mile Post 3.69, and exercise the powers, duties, and authority over this right-of-way and trackage that are granted to them by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6069c.)

**Sec. 22.183. Hubbard Lake**

(a) The department may create, develop, operate, and maintain a state park on the land donated by the West Central Texas Municipal Water District located on Hubbard Lake in Stephens County.

(b) The department may accept additional gifts of any adjoining land or interest in land donated by the West Central Texas Water Municipal District to enlarge the park created by Subsection (a) of this section. (Acts 60th Legis., Reg.Sess., Ch. 771.)

**Sec. 22.184. Fishing Piers**

(a) The department may repair and maintain the old causeway across Copano Bay on Highway 35 in Aransas County and the old causeway across Lavaca Bay on Highway 35 in Calhoun County as public fishing piers and recreation areas.

(b) The department and the state highway department may solicit and receive gifts of labor and materials for the construction and improvement of the fishing piers.

(c) The department may grant concessions to persons allowing the concessioners to charge for use of the piers and approaches.

(d) All revenue received under this section shall be deposited in the state treasury to the credit of the state parks fund. (Acts 57th Legis., 1st C.S., Ch. 10, Sec. 1-4; Acts 58th Legis., Ch. 16, Sec. 1-4; Acts 60th Legis., Ch. 676, Sec. 1.)

**CHAPTER 23. NATIONAL PARKS, SEASHORES,  
AND FORESTS**

**SUBCHAPTER A. BIG BEND NATIONAL PARK**

**Section**

**23.001.** Limited Jurisdiction Retained.

**23.002.** Park Residents May Vote.

[Sections 23.003-23.010 reserved for expansion]

**SUBCHAPTER B. PADRE ISLAND NATIONAL SEASHORE**

**Section**

- 23.011. Limited Jurisdiction Retained.
- 23.012. Seashore Residents May Vote.
- 23.013. Regulations of Railroad Commission.
- 23.014. Reversion to State.
- 23.015. Consent for Acquisition of Navigation District Land
- 23.016. Roads.

[Sections 23.017-23.030 reserved for expansion]

**SUBCHAPTER C. GUADALUPE MOUNTAINS  
NATIONAL PARK**

- 23.031. Limited Jurisdiction Retained.
- 23.032. Park Residents May Vote.
- 23.033. Reconveyance of Title.
- 23.034. Mineral Rights in Park.

[Sections 23.035-23.040 reserved for expansion]

**SUBCHAPTER D. DAVY CROCKETT NATIONAL FOREST**

- 23.041. Agreements for Wildlife Management.
- 23.042. Wildlife Defined.
- 23.043. Hunting and Fishing Regulations.
- 23.044. Penalty.

[Sections 23.045-23.050 reserved for expansion]

**SUBCHAPTER E. SABINE NATIONAL FOREST**

- 23.051. Agreements for Wildlife Management.
- 23.052. Wildlife Defined.
- 23.053. Hunting and Fishing Regulations.
- 23.054. Penalty.

**CHAPTER 23. NATIONAL PARKS, SEASHORES,  
AND FORESTS**

**SUBCHAPTER A. BIG BEND NATIONAL PARK**

**Sec. 23.001. Limited Jurisdiction Retained**

The state retains jurisdiction in the Big Bend National Park, concurrently with the United States, as though cession had not occurred, for:

- (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
- (2) the assessment and collection of taxes on the sales of products and commodities and on franchises and property. (V.A.C.S. Art. 6077e, Sec. 8 (part).)

**Sec. 23.002. Park Residents May Vote**

A person residing in Big Bend National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred. (V.A.C.S. Art. 6077e, Sec. 8 (part).)

[Sections 23.003-23.010 reserved for expansion]

**SUBCHAPTER B. PADRE ISLAND NATIONAL SEASHORE**

**Sec. 23.011. Limited Jurisdiction Retained**

The state retains jurisdiction in the Padre Island National Seashore, concurrently with the United States, as though cession had not occurred, for:

- (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
- (2) the assessment and collection of taxes on the sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes. (V.A.C.S. Art. 6077t, Sec. 3 (part).)

**Sec. 23.012. Seashore Residents May Vote**

A person residing in the Padre Island National Seashore may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred. (V.A.C.S. Art. 6077t, Sec. 3 (part).)

**Sec. 23.013. Regulations of Railroad Commission**

(a) The Railroad Commission shall send by certified mail to the Secretary of Interior of the United States a copy of each proposed rule or regulation affecting mineral rights reserved in deeds conveying land in the Padre Island National Seashore to the United States.

(b) The Department of Interior has 30 days from the day a copy of a proposed rule or regulation is received to send to the Railroad Commission its objections or exceptions. An objection or exception must be sent by certified mail. Thereupon, a rule or regulation, with amendments, if any, promulgated by the Railroad Commission, takes effect.

(c) The development and recovery of minerals in the Padre Island National Seashore shall be carried out in a manner that does not unreasonably interfere with the use of the land for park purposes. (V.A.C.S. Art. 6077t, Sec. 3 (part).)

**Sec. 23.014. Reversion to State**

(a) Any deed executed by the state to the United States for the creation of Padre Island National Seashore becomes null and void on the initiation by any elected or appointed agent, officer, or employee of the United States, or by any agency or department of the United States, of a suit at law or in equity in any federal court to enlarge or expand the title, right, or interest granted by the deed. When a deed becomes void under this subsection, the land immediately reverts to the state.

(b) Unless reversion is waived by the legislature during the biennium following the happening of a condition of reversion, all state-owned land conveyed to the United States for the creation of the Padre Island National Seashore reverts to the state and to the fund to which it belonged before conveyance if:

- (1) the United States fails to acquire two-thirds of all privately owned land in the area described by Section 1, Chapter 38, Acts of the 58th Legislature, 1963, within 10 years after the date that the state-owned land was acquired; or
- (2) the United States fails to use as a national seashore the privately owned land it has acquired. (V.A.C.S. Art. 6077t, Sec. 5, 9.)

**Sec. 23.015. Consent for Acquisition of Navigation District Land**

The Willacy County Navigation District may consent to the acquisition of surface land for inclusion in Padre Island National Seashore. Interests in surface estates, spoil banks, easements, and rights-of way controlled by the district in the Padre Island National Seashore shall be used for public purposes only. (V.A.C.S. Art. 6077t, Sec. 7.)

**Sec. 23.016. Roads**

The Secretary of Interior is requested to provide roads from the north boundary of Padre Island National Seashore and from the Port Mansfield cut to the access highways from the mainland. (V.A.C.S. Art. 6077t, Sec. 8.)

[Sections 23.017-23.030 reserved for expansion]

**SUBCHAPTER C. GUADALUPE MOUNTAINS NATIONAL PARK****Sec. 23.031. Limited Jurisdiction Retained**

The state retains jurisdiction in the Guadalupe Mountains National Park, concurrently with the United States, as though cession had not occurred, for:

- (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
- (2) the assessment and collection of taxes on sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes. (V.A.C.S. Art. 6077u, Sec. 2 (part).)

**Sec. 23.032. Park Residents May Vote**

A person residing in the Guadalupe Mountains National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred. (V.A.C.S. Art. 6077u, Sec. 2 (part).)

**Sec. 23.033. Reconveyance of Title**

If any of the land described by the drawing entitled "Proposed Guadalupe Mountains National Park, Texas," numbered SA GM 7100C, dated February, 1965, and on file in the offices of the National Park Service and the Secretary of State of Texas ceases to be used for the Guadalupe Mountains National Park, the state may require a reconveyance, without consideration, of the mineral rights conveyed for the creation of the park. (V.A.C.S. Art. 6077u, Sec. 1 (part), Sec. 7(a).)

**Sec. 23.034. Mineral Rights in Park**

(a) The state reserves a preferential right, without consideration to the United States, to lease all mineral rights and interests that were conveyed by the state for the establishment of the Guadalupe Mountains National Park if:

- (1) Congress declares by an act that the national welfare or an emergency requires the development and production of minerals in the park; and
- (2) Congress authorizes the Secretary of Interior of the U. S. to lease park land for drilling, mining, developing, or producing minerals.

(b) If oil, gas, or other minerals are discovered and produced in commercial quantities from land outside the park sufficient to cause drainage of minerals from in the park and the Secretary of Interior participates in a communitization agreement or takes other action to protect the rights of the United States, the state retains its right to its proper share of the proceeds of the agreement or action. The state's proper share is not less than all bonuses, rentals, and royalties attributable to mineral rights conveyed to the United States for the establishment of Guadalupe Mountains National Park. (V.A.C.S. Art. 6077u, Sec. 7(b), (c).)

[Sections 23.035-23.040 reserved for expansion]

#### **SUBCHAPTER D. DAVY CROCKETT NATIONAL FOREST**

##### **Sec. 23.041. Agreements for Wildlife Management**

(a) The department may agree with the proper agency of the United States for the protection and management of wildlife resources and for restocking desirable species of wildlife in portions of the Davy Crockett National Forest, in Houston and Trinity counties, that can be designated by a natural boundary. A natural boundary may be a road, lake, stream, canyon, rock, bluff, island, or other natural feature.

(b) No agreement under this section may cover more than 40,000 acres at any one time during any five-year period. (V.A.C.S. Art. 4025a, Sec. 1.)

##### **Sec. 23.042. Wildlife Defined**

In this subchapter, "wildlife" means all kinds of birds, animals, and fish. (V.A.C.S. Art. 4025a, Sec. 2 (part).)

##### **Sec. 23.043. Hunting and Fishing Regulations**

The commission may promulgate regulations applicable to the Davy Crockett National Forest, in Houston and Trinity counties, to:

- (1) prohibit hunting and fishing for periods of time as necessary to protect wildlife;
  - (2) provide open seasons for hunting and fishing;
  - (3) provide limitations on the number, size, kind, and sex of wildlife that may be taken; and
  - (4) prescribe the conditions under which wildlife may be taken.
- (V.A.C.S. Art. 4025a, Sec. 2 (part).)

##### **Sec. 23.044. Penalty**

A person who violates any rule or regulation of the commission adopted under this subchapter or who hunts or fishes in the Davy Crockett National Forest at any time other than the open season is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (V.A.C.S. Art. 4025a, Sec. 3.)

[Sections 23.045-23.050 reserved for expansion]

#### **SUBCHAPTER E. SABINE NATIONAL FOREST**

##### **Sec. 23.051. Agreements for Wildlife Management**

The department may agree with the proper agency of the United States for the protection and management of wildlife resources and for restock-



ing desirable species of wildlife in the parts of the Sabine National Forest, in Sabine and San Augustine counties, that are fenced. (V.A.P.C. Art. 978f-2, Sec. 1.)

#### **Sec. 23.052. Wildlife Defined**

In this subchapter, "wildlife" means all kinds of animals, birds, and fish. (V.A.P.C. Art. 978f-2, Sec. 2 (part).)

#### **Sec. 23.053. Hunting and Fishing Regulations**

The commission may promulgate regulations applicable to the Sabine National Forest, in Sabine and San Augustine counties, to:

- (1) prohibit hunting and fishing for periods of time as necessary to protect wildlife;
  - (2) provide open seasons for hunting and fishing;
  - (3) provide limitations on the number, size, kind, and sex of wildlife that may be taken; and
  - (4) prescribe the conditions under which wildlife may be taken.
- (V.A.P.C. Art. 978f-2, Sec. 2 (part).)

#### **Sec. 23.054. Penalty**

A person who violates any regulation of the commission adopted under this subchapter or who hunts or fishes in the Sabine National Forest at any time other than during the open season is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (V.A.P.C. Art. 978f-2, Sec. 3.)

## **TITLE 4. WATER SAFETY**

### **CHAPTER 31. WATER SAFETY**

#### **SUBCHAPTER A. GENERAL PROVISIONS**

##### **Section**

- 31.001. Title.
- 31.002. State Policy.
- 31.003. Definitions.
- 31.004. Application of Chapter.
- 31.005. Contracts With Federal Government.

[Sections 31.006-31.020 reserved for expansion]

#### **SUBCHAPTER B. IDENTIFICATION OF MOTORBOATS; REQUIRED NUMBERING**

- 31.021. Required Numbering.
- 31.022. Exemptions From Required Numbering.
- 31.023. Boats Numbered Under Federal or Other State Law.
- 31.024. Application for Number.
- 31.025. Renewal of Certificates of Number.
- 31.026. Fees.
- 31.027. Applicability of Fees to Commercial Boats.
- 31.028. Certificate of Number.
- 31.029. Term of Certificate of Number.

**Section**

- 31.030. Duplicate Certificates.
- 31.031. Numbering Pattern.
- 31.032. Numbering on Bow.
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- 31.034. Issuance of Numbers; Agents for Department.
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- 31.036. Proof of Ownership.
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- 31.041. Dealer's and Manufacturer's Number.
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- 31.043. Manufacturer's Serial Number.

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**SUBCHAPTER C. REQUIRED EQUIPMENT**

- 31.061. Uniformity of Equipment Regulations; State Policy.
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- 31.064. Lights.
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- 31.071. Rearview Mirrors.
- 31.072. Racing Boats; Equipment Exemptions.
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[Sections 31.074-31.090 reserved for expansion]

**SUBCHAPTER D. BOATING REGULATIONS**

- 31.091. Uniformity of Boating Regulations.
- 31.092. Local Regulations.
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- 31.097. Operation of Vessel While Intoxicated.
- 31.098. Hazardous Wake or Wash.
- 31.099. Circular Course Around Fisherman or Swimmer.
- 31.100. Interference With Markers or Ramps.
- 31.101. Obstructing Passage.
- 31.102. Operating Boats in Restricted Areas.
- 31.103. Water Skis, Aquaplanes, Etc.; Time and Manner of Operation.
- 31.104. Accidents; Duty of Operators.
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[Sections 31.106-31.120 reserved for expansion]

**SUBCHAPTER E. ENFORCEMENT AND PENALTIES**

**Section**

- 31.121. Enforcement Officers.
- 31.122. Water Safety Vessels: Lights.
- 31.123. Required Response to Police Water Safety Vessel.
- 31.124. Inspection of Vessels.
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[Sections 31.130-31.140 reserved for expansion]

**SUBCHAPTER F. WATER FACILITIES**

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**TITLE 4. WATER SAFETY**

**CHAPTER 31. WATER SAFETY**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 31.001. Title**

This chapter may be cited as the Water Safety Act. (V.A.C.S. Art. 9206, Sec. 1 (part).)

**Sec. 31.002. State Policy**

It is the duty of this state to promote recreational water safety for persons and property in and connected with the use of all recreational water facilities in the state, to promote safety in the operation and equipment of facilities, and to promote uniformity of laws relating to water safety. (V.A.C.S. Art. 9206, Sec. 1 (part).)

**Sec. 31.003. Definitions**

In this chapter:

- (1) "Boat" means a vessel not more than 65 feet in length, measured from end to end over the deck, excluding sheer, and manufactured or used primarily for noncommercial use.
- (2) "Vessel" means any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.
- (3) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.
- (4) "Owner" means the person who rightfully claims lawful possession of a vessel by virtue of the legal title or an equitable interest.
- (5) "Water of this state" means any public water within the territorial limits of this state.
- (6) "Operate" means to navigate or otherwise use a motorboat or a vessel.
- (7) "Dealer" means a person engaged in the business of selling motorboats.

(8) "Boat livery" means a business establishment engaged in renting or hiring out motorboats for profit.

(9) "Undocumented motorboat" means a vessel that is not required to have, and does not have, a valid marine document issued by the Bureau of Customs of the United States government or its successor.

(10) "Reasonable time" means 15 days. (V.A.C.S. Art. 9206, Sec. 2a (part).)

**Sec. 31.004. Application of Chapter**

The provisions of this chapter apply to all public water of this state and to all watercraft navigated or moving on the public water. Privately owned water is not subject to the provisions of this chapter. (V.A.C.S. Art. 9206, Sec. 2a (part), 12.)

**Sec. 31.005. Contracts With Federal Government**

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program relating to water safety, including:

- (1) the acquisition, maintenance, and operating costs of facilities;
- (2) purchase of equipment and supplies;
- (3) personnel salaries; and

(4) other federally approved reimbursable expenses, including personnel training costs, public boat safety and education costs, and general administrative and enforcement costs.

(b) The department may contract with the United States in order to comply with all necessary requirements for the receipt of funds made available under any federal legislation. (V.A.C.S. Art. 9206, Sec. 31.)

[Sections 31.006–31.020 reserved for expansion]

**SUBCHAPTER B. IDENTIFICATION OF MOTORBOATS;  
REQUIRED NUMBERING**

**Sec. 31.021. Required Numbering**

(a) Each undocumented motorboat on the water of this state shall be numbered in accordance with the provisions of this chapter unless specifically exempted. The numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent federal legislation.

(b) No person may operate or give permission for the operation of any motorboat on the water of this state unless the motorboat is numbered as required by this chapter, unless the certificate of number awarded to the motorboat is in full force and effect, and unless the identifying number set forth in the certificate is properly displayed on each side of the bow of the motorboat. (V.A.C.S. Art. 9206, Sec. 3.)

**Sec. 31.022. Exemptions From Required Numbering**

(a) A motorboat is not required to be numbered under the provisions of this chapter if it is:

(1) operated within this state for a period not exceeding 90 consecutive days and is covered by a number in full force and effect which has been awarded under federal law or a federally approved numbering system of another state;

(2) from a country other than the United States temporarily using the water of this state;

(3) owned by the United States, a state, or a subdivision of a state; or

(4) a ship's lifeboat.

(b) The department may exempt from numbering a class of motorboats if it finds that the numbering of the motorboats of that class will not materially aid in their identification. The department may also exempt a motorboat if it finds that it belongs to a class of motorboats that would be exempt from numbering under a numbering system of an agency of the federal government if it were subject to federal law.

(c) All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown are exempt from the numbering provisions of this chapter. (V.A.C.S. Art. 9206, Sec. 9 (part).)

#### **Sec. 31.023. Boats Numbered Under Federal or Other State Law**

The owner of any vessel or motorboat for which a current certificate of number has been awarded under any federal law or a federally approved numbering system of another state shall, if the motorboat or vessel is operated on the water of this state in excess of 90 days, make application for a certificate of number in the manner prescribed in this chapter for residents of this state. (V.A.C.S. Art. 9206, Sec. 4(c).)

#### **Sec. 31.024. Application for Number**

(a) The owner of each motorboat requiring numbering by this state shall file an application for a number with the department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by the fee prescribed in Section 31.026 of this code.

(b) On receipt of the application in approved form, the department shall enter it on the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner.

(c) The application form, the form of the certificate of number, and the manner of renewal shall be prescribed by the department. (V.A.C.S. Art. 9206, Sec. 4(a) (part).)

#### **Sec. 31.025. Renewal of Certificates of Number**

An application for the renewal of each certificate of number shall be prepared by the department and mailed to the owner of the vessel during the period of the last 90 days before the expiration date of the certificate. The same number shall be issued on renewal. Applications not received during the 90-day period shall be treated in the same manner as original applications. (V.A.C.S. Art. 9206, Sec. 4(1).)

#### **Sec. 31.026. Fees**

(a) Each application for an original or renewal certificate of number for a motorboat shall be accompanied by a two-year fee determined by the following classification schedule:

<u>Class</u>	<u>Description of Boat</u>	<u>Fee</u>
Class A	less than 16 feet in length	\$ 6.00
Class 1	16 feet or over and less than 26 feet in length	\$ 9.00
Class 2	26 feet or over and less than 40 feet in length	\$12.00
Class 3	40 feet or more in length	\$15.00

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(b) The fee for a boat less than 16 feet in length owned by a boat livery and used for rental purposes is \$3.00 for each original and renewal application for a certificate of number.

(c) Owners of newly purchased motorboats or other motorboats not previously operated in this state shall pay the full registration fee.

(d) In order to establish a two-year staggered registration period, fees for currently registered motorboats may be less than the full fee specified in Subsection (a) of this section if the expiration date established by the department is prior to March 21, 1974. (V.A.C.S. Art. 9206, Sec. 27(a), (b), (d); Sec. 4(a) (part).)

**Sec. 31.027. Applicability of Fees to Commercial Boats**

The registration fees required by this chapter are inapplicable to boats licensed by the state for commercial fishing or shrimping in the salt water of the state. (R.S. Art. 9206, Sec. 28.)

**Sec. 31.028. Certificate of Number**

The certificate of number shall be pocket-size. The certificate or a facsimile of it shall be carried on board the vessel at all times. It does not have to be on the person of the operator if prior to trial the operator can produce for examination a valid certificate of number. (V.A.C.S. Art. 9206, Sec. 2a (part), 4(a) (part).)

**Sec. 31.029. Term of Certificate of Number**

Every certificate of number awarded pursuant to this chapter shall continue in full force and effect for a period of two years unless sooner terminated or discontinued in accordance with the provisions of this chapter. (V.A.C.S. Art. 9206, Sec. 4(g).)

**Sec. 31.030. Duplicate Certificates**

If a certificate of number becomes lost, mutilated, or illegible, the owner of the motorboat for which the certificate was issued may obtain a duplicate on application to the department and the payment of a fee of \$1. (V.A.C.S. Art. 9206, Sec. 4(i).)

**Sec. 31.031. Numbering Pattern**

(a) The numbering pattern used consists of the prefix "TX" followed by a combination of exactly four numerals and further followed by a suffix of two letters. The group of numerals appearing between the letters shall be separated from the letters by hyphens or equivalent spaces.

(b) All basic numbers of each series shall begin with 1000. TX-1000-AA through TX-9999-AA will be allotted to dealers and manufacturers. TX-1000-AB through TX-9999-ZZ will be allotted to all other boat owners and livery operators.

(c) The letters "G", "I", "O", and "Q" shall be omitted from all letter sequences. (V.A.C.S. Art. 9206, Sec. 4(b).)

**Sec. 31.032. Numbering on Bow**

The owner shall paint on or attach to each side of the motorboat or vessel near the bow the identification number and a validation decal in the manner prescribed by the department. The number shall read from left to right and shall be of block characters of good proportion of not less than three inches in height. The numbers shall be of a color which

will contrast with the hull material of the vessel and so maintained as to be clearly visible and legible. (R.S. Art. 9206, Sec. 4(a) (part).)

**Sec. 31.033. Unauthorized Numbers Prohibited**

(a) No person may paint, attach, or otherwise display on either side of the bow of a motorboat a number other than the number awarded to the motorboat or granted reciprocity under this chapter.

(b) No person may deface or alter the certificate of number or the number assigned to and appearing on the bow of a boat. (V.A.C.S. Art. 9206, Sec. 4(j), (k).)

**Sec. 31.034. Issuance of Numbers; Agents for Department**

(a) The department may award a certificate of number directly or may authorize any person to act as its agent for awarding certificates. An authorized agent may be assigned a block or blocks of numbers and certificates that, on award in conformity with this chapter and with rules and regulations of the department, are valid as if awarded directly by the department.

(b) An authorized agent shall execute a faithful performance bond of not less than \$1,000 in favor of the State of Texas.

(c) An agent is entitled to a fee for his services not to exceed 10 percent of the fee for each certificate. (V.A.C.S. Art. 9206, Sec. 4(d).)

**Sec. 31.035. Rules and Regulations; Copies**

Copies of all rules and regulations formulated under this chapter shall be furnished without cost with each certificate of number issued. (V.A.C.S. Art. 9206, Sec. 4(f) (part).)

**Sec. 31.036. Proof of Ownership**

(a) A certified statement on an application for number is the minimum requirement for proof of ownership of a vessel.

(b) Liens of all kinds, including reservations or transfers of title to secure debts or claims, are disregarded in determining ownership of a vessel. A lienholder who acquires possession and title by virtue of a default in the terms of the lien instrument, or any person who acquires ownership through an action as a lienholder, may apply for a number and shall attach a notarized affidavit of repossession to his application.

(c) A person who acquires ownership of a vessel by inheritance, devise, or bequest may apply for a certificate of number and shall include a notarized affidavit of heirship with his application and prescribed fee.

(d) A person who acquires ownership of a vessel by bankruptcy proceedings, through receivership, or by any other involuntary divestiture of ownership may apply for a certificate of number and shall include a copy of the court order authorizing the action with his application and prescribed fee. (V.A.C.S. Art. 9206, Sec. 5(a), (b), and (c).)

**Sec. 31.037. Change in Ownership Interest; Notice to Department**

(a) The owner of a motorboat numbered in this state shall notify the department within a reasonable time of the transfer of all or any part of his interest in the motorboat, other than the creation of a security interest, or of the destruction or abandonment of the motorboat. The notice shall be accompanied by a surrender of the certificate of number.

(b) If the boat is destroyed or abandoned, the department shall cancel the certificate and enter the cancellation in its records.

(c) The purchaser of a motorboat shall present evidence of his ownership to the department within a reasonable time along with his name, address, and the number of the motorboat and shall at the same time pay to the department a fee of \$1. On receipt of the application and fee the department shall transfer the certificate of number issued for the motorboat to the new owner. Unless the application is made and fee paid within a reasonable time the motorboat is without a certificate of number, and it is unlawful for any person to operate the motorboat until the certificate is issued. (V.A.C.S. Art. 9206, Sec. 4(e).)

**Sec. 31.038. Change of Address; Notice to Department**

(a) The holder of a certificate of number shall notify the department within a reasonable time if his address no longer conforms to the address appearing on the certificate and shall inform the department of his new address.

(b) The department may provide in its regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of the outstanding certificate to show the new address of the holder. Changes of address shall be noted on the records of the department. (V.A.C.S. Art. 9206, Sec. 4(h).)

**Sec. 31.039. Public Records**

All ownership records of the department made or kept under this chapter are public records. (V.A.C.S. Art. 9206, Sec. 4(f) (part).)

**Sec. 31.040. Boat Liveries**

(a) The owner or operator of a boat livery shall obtain a certificate of number for all vessels capable of being used as motorboats that are used to rent or let for hire.

(b) To receive certificates of number, the owner of a boat livery shall apply directly to the department on application forms provided by the department. The application must state that the applicant is a boat livery within the meaning of this chapter, and the facts stated in the application must be sworn before an officer authorized to administer oaths.

(c) The owner of a boat livery shall keep a record of the name and address of the persons hiring any vessel designed or operated as a motorboat, the vessel's certificate of number, the time and date of departure, and the expected time of return. The record shall be kept for six months. (V.A.C.S. Art. 9206, Sec. 10(a), (b), (c).)

**Sec. 31.041. Dealer's and Manufacturer's Number**

(a) A dealer or manufacturer of motorboats in this state may obtain a dealer's and manufacturer's number for motorboats he wishes to show, demonstrate, or test on the water of this state instead of securing a certificate of number for each boat. The number shall be attached to any motorboat that he sends temporarily on the water.

(b) The application for a number must state that the applicant is a dealer or manufacturer within the meaning of this chapter, and the facts stated on the application must be sworn before an officer authorized to administer oaths. The two-year fee for a dealer's and manufacturer's



number is \$25. No number may be issued until the provisions of this section have been satisfied.

(c) A dealer or manufacturer holding a dealer's and manufacturer's number may issue a reasonable temporary facsimile of the number which may be used by any authorized person. A person purchasing a motorboat may use the dealer's number for a period not to exceed 15 days prior to filing an application for a certificate of number. The form of the facsimile and the manner of display shall be prescribed by the department. (V.A.C.S. Art. 9206, Sec. 7.)

#### **Sec. 31.042. Cancellation of Certificates of Number; Grounds**

(a) A certificate of number may be cancelled and the identification number voided by the department even though the action occurs before the expiration date on the certificate and even though the certificate is not surrendered to the department.

(b) Causes for cancellation of certificates and voiding of numbers are:

- (1) surrender of the certificate for cancellation;
- (2) issuance of a new number for the same boat;
- (3) issuance of a marine document by the Bureau of Customs for the same vessel;

(4) false or fraudulent certification in an application for number; and

(5) failure to pay the prescribed fee. (V.A.C.S. Art. 9206, Sec. 5(d).)

#### **Sec. 31.043. Manufacturer's Serial Number**

(a) All boats manufactured for sale in Texas shall carry a manufacturer's serial number clearly imprinted on the structure of the boat or displayed on a plate permanently attached to the boat.

(b) The owner of a vessel not required to carry a manufacturer's serial number may file an application for a serial number with the department on forms approved by it. The application must be signed by the owner of the vessel and must be accompanied by a fee of \$1. On receipt of the application in approved form, the department shall enter the information on the records of its office and shall issue to the applicant a serial number.

(c) No person may wilfully destroy, remove, alter, cover, or deface the manufacturer's serial number or plate bearing the serial number or the serial number issued by the department. No person may possess a boat with a serial number that has been altered, defaced, mutilated, or removed. A person who has a boat with an altered or missing serial number shall file a sworn statement with the department describing the boat, proving legal ownership, and, if known, stating the reason for the destruction, removal, or defacement of the serial number. (V.A.C.S. Art. 9206, Sec. 6.)

[Sections 31.044-31.060 reserved for expansion]

### **SUBCHAPTER C. REQUIRED EQUIPMENT**

#### **Sec. 31.061. Uniformity of Equipment Regulations; State Policy**

It is the policy of the state that all equipment rules and regulations enacted under the authority granted in this chapter be uniform and consistent with the equipment provisions of this chapter. (V.A.C.S. Art. 9206, Sec. 8(1).)

**Sec. 31.062. Operation of Vessels Without Required Equipment Prohibited**

No person may operate or give permission for the operation of a vessel that is not provided with the equipment required by this chapter. (V.A.C.S. Art. 9206, Sec. 8(k).)

**Sec. 31.063. Classes of Motorboats**

Motorboats subject to the provisions of this chapter are divided into four classes according to length as follows:

Class A. Less than 16 feet in length.

Class 1. 16 feet or over and less than 26 feet in length.

Class 2. 26 feet or over and less than 40 feet in length.

Class 3. Forty feet in length or over.

(V.A.C.S. Art. 9206, Sec. 8(a).)

**Sec. 31.064. Lights**

(a) A vessel or motorboat when not at dock must have and exhibit at least one bright light, lantern, or flashlight from sunset to sunrise in all weather. A vessel or motorboat when underway between sunset and sunrise in all weather must have and exhibit the lights prescribed below for boats of its class. No other lights that may be mistaken for those prescribed may be exhibited.

(b) Each class A and class 1 motorboat must have the following lights:

(1) a bright white light aft to show all around the horizon; and

(2) a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(c) Each class 2 and class 3 motorboat must have the following lights and light screens:

(1) a bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light 10 points on each side of the vessel, namely from right ahead to 2 points abaft the beam on either side;

(2) a bright white light aft to show all around the horizon and higher than the white light forward;

(3) a green light on the starboard side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side;

(4) a red light on the port side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side; and

(5) inboard screens fitted on the starboard and port side lights of sufficient length and so set as to prevent the side lights from being seen across the bow.

(d) Each class A and class 1 motorboat when propelled by sail alone must have the combined lantern but not the white light aft prescribed in Subsection (b) of this section.

(e) Each class 2 and class 3 motorboat when propelled by sail alone must have the colored side lights, suitably screened, but not the white lights prescribed in Subsection (c) of this section.

(f) Motorboats of all classes when propelled by sail alone must have ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert a collision.

(g) A white light required by this section must be visible at a distance of at least two miles. A colored light required by this section must be visible at a distance of at least one mile. In this section, "visible" means visible on dark nights with clear atmosphere.

(h) A motorboat propelled by sail and machinery must have the lights required by this section for motorboats propelled by machinery alone.

(i) A motorboat may have and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Stat. 406-420), as amended, instead of the lights specified by this section. (V.A.C.S. Art. 9206, Sec. 8(b), (c).)

#### **Sec. 31.065. Whistles; Bells**

(a) A motorboat of class 1, 2, or 3 must have an efficient whistle or other sound-producing mechanical appliance.

(b) A motorboat of class 2 or 3 must have an efficient bell. (V.A.C.S. Art. 9206, Sec. 8(d), (e).)

#### **Sec. 31.066. Life Preserving Devices**

(a) A motorboat must have at least one life preserver, life belt, ring buoy, or other device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.

(b) A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.

(c) The operator of a class A or class 1 motorboat, while underway, shall require every passenger 12 years of age or under to wear a life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement. (V.A.C.S. Art. 9206, Sec. 8(f), 10(d).)

#### **Sec. 31.067. Fire Extinguishers**

(a) A motorboat must have the number, size, and type of fire extinguishers prescribed by the commandant of the Coast Guard.

(b) The fire extinguishers must be capable of promptly and effectively extinguishing burning gasoline. They must be kept in condition for immediate and effective use at all times and must be placed so as to be readily accessible. (V.A.C.S. Art. 9206, Sec. 8(g).)

#### **Sec. 31.068. Flame Arrestors; Backfire Traps**

A motorboat must have the carburetor or carburetors of every engine using gasoline as fuel, except outboard motors, equipped with an efficient flame arrestor, backfire trap, or other similar device prescribed by the regulations of the commandant of the Coast Guard. (V.A.C.S. Art. 9206, Sec. 8(i).)

**Sec. 31.069. Ventilators**

Each motorboat and vessel, except an open boat, using as fuel any liquid of a volatile nature must have the equipment prescribed by the commandant of the Coast Guard designed to ventilate properly and efficiently the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases. (V.A.C.S. Art. 9206, Sec. 8(j).)

**Sec. 31.070. Exhaust Water Manifold; Muffler**

A motorboat operating on the water of this state must have an exhaust water manifold or a factory-type muffler installed on the engine. (V.A.C.S. Art. 9206, Sec. 8(m) (part).)

**Sec. 31.071. Rearview Mirrors**

(a) A vessel used to tow a person or persons on water skis or an aquaplane or similar device on the water of this state must have a rearview mirror of a size no less than four inches from bottom to top or across from one side to the other. The mirror must be mounted firmly so as to give the boat operator a full and complete view beyond the rear of the boat at all times.

(b) Subsection (a) of this section does not apply to motorboats or vessels used in water ski tournaments, competitions, exhibitions, or trials. (V.A.C.S. Art. 9206, Sec. 22(a), (c) (part).)

**Sec. 31.072. Racing Boats; Equipment Exemptions**

(a) A motorboat designed and intended solely for racing need not have a whistle or other sound-producing mechanical appliance or a bell as required by Section 31.065 of this code or a fire extinguisher as required by Section 31.067 of this code while competing in a race or while engaged in navigation that is incidental to tuning up for a race conducted in accordance with the provisions of this chapter.

(b) A racing craft engaged in a race sanctioned by the governing board of any public water of this state need not have an exhaust water manifold or factory-type muffler installed on the engine as required by Section 31.070 of this code if written permission is granted by the governing board of the water body. (V.A.C.S. Art. 9206, Sec. 8(h), (m).)

**Sec. 31.073. Canoes, Punts, Rowboats, Sailboats, and Rubber Rafts; Equipment Exemptions**

All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown are exempt from all the required safety equipment except the following:

- (1) one Coast Guard approved lifesaving device for each person aboard; and
- (2) the lights prescribed for class A vessels in Section 31.064 of this code. (V.A.C.S. Art. 9206, Sec. 9 (part).)

[Sections 31.074 31.090 reserved for expansion]

**SUBCHAPTER D. BOATING REGULATIONS**

**Sec. 31.091. Uniformity of Boating Regulations**

In the interest of uniformity, it is the policy of the State of Texas that the basic authority for the enactment of boating regulations is reserved to the state. (V.A.C.S. Art. 9206, Sec. 30.)

**Sec. 31.092. Local Regulations**

(a) The governing body of an incorporated city or town, with respect to public water within its corporate limits and all lakes owned by it, may designate by ordinance certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

(b) The commissioners court of a county, with respect to public water within the territorial limits of the county that is outside of the limits of an incorporated city or town or a political subdivision designated in Subsection (c) of this section and that is not lakes owned by an incorporated city or town, may enter an order on its books designating certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

(c) The governing board of a political subdivision of the state created pursuant to Article XVI, Section 59, of the Texas Constitution, for the purpose of conserving and developing the public water of the state, with respect to public water impounded within lakes and reservoirs owned or operated by the political subdivision, may designate by resolution or other appropriate order certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

(d) A copy of all rules and regulations adopted under this section shall be summarily filed with the department. (V.A.C.S. Art. 9206, Sec. 20.)

**Sec. 31.093. Rules of the Road**

The United States Coast Guard Inland Rules apply to all public water of this state to the extent they are applicable. (V.A.C.S. Art. 9206, Sec. 14.)

**Sec. 31.094. Reckless or Negligent Operation**

No person may operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device in a wilfully or wantonly reckless or negligent manner that endangers the life, limb, or property of any person. (V.A.C.S. Art. 9206, Sec. 11.)

**Sec. 31.095. Excessive Speed**

No person may operate any boat at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit him, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead. (V.A.C.S. Art. 9206, Sec. 13.)

**Sec. 31.096. Reckless Operation and Excessive Speed**

(a) No person may operate a vessel or manipulate water skis, an aquaplane, or a similar device on the water of this state in wilful or wanton disregard of the rights or safety of others or without due caution or cir-

cumspection, and at a speed or in a manner that endangers, or is likely to endanger, a person or property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500. (V.A.C.S. Art. 9206, Sec. 24(e).)

**Sec. 31.097. Operation of Vessel While Intoxicated**

(a) No person may operate a vessel or manipulate water skis, an aquaplane, or a similar device in a careless or imprudent manner while he is intoxicated or under the influence of intoxicating liquor or while he is under the influence of a narcotic drug, barbiturate, or marijuana.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500 or by confinement in the county jail for not more than six months, or by both. (V.A.C.S. Art. 9206, Sec. 24(d).)

**Sec. 31.098. Hazardous Wake or Wash**

No person may operate a motorboat so as to create a hazardous wake or wash. (V.A.C.S. Art. 9206, Sec. 15.)

**Sec. 31.099. Circular Course Around Fisherman or Swimmer**

(a) No person may operate a motorboat in a circular course around any other boat any occupant of which is engaged in fishing or around any person swimming.

(b) No swimmer or diver may come within 200 yards of a sight-seeing or excursion boat except for maintenance purposes or unless within an enclosed area. (V.A.C.S. Art. 9206, Sec. 16.)

**Sec. 31.100. Interference With Markers or Ramps**

(a) No person may moor or attach a boat to a buoy, beacon, light marker, stake, flag, or other aid to safe operation placed upon the public water of this state by or under the authority of the United States or the State of Texas. No person may move, remove, displace, tamper with, damage, or destroy the markers or aids to safe operation.

(b) No person may moor or attach a vessel to a state-owned boat launching ramp except in connection with the launching or retrieving of a boat from the water. (V.A.C.S. Art. 9206, Sec. 17.)

**Sec. 31.101. Obstructing Passage**

(a) No person may anchor a boat in the traveled portion of a river or channel so as to prevent, impede, or interfere with the safe passage of any other boat through the same area.

(b) No person may anchor a vessel near a state-owned boat ramp so as to prevent, impede, or interfere with the use of the boat ramp. (V.A.C.S. Art. 9206, Sec. 18.)

**Sec. 31.102. Operating Boats in Restricted Areas**

No person may operate a boat within a water area that has been clearly marked, by buoys or some other distinguishing device, as a bathing, fishing, swimming, or otherwise restricted area by the department or by a political subdivision of the state. This section does not apply to a patrol or rescue craft or in the case of an emergency. (V.A.C.S. Art. 9206, Sec. 19.)

**Sec. 31.103. Water Skis, Aquaplanes, Etc.: Time and Manner of Operation**

(a) No person may operate a vessel on any water of this state towing a person or persons on water skis, surfboards, or similar devices and no person may engage in water-skiing, surfboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise. This subsection does not apply to motorboats or vessels used in water ski tournaments, competitions, or exhibitions or trials therefor if adequate lighting is provided.

(b) All motorboats having in tow or otherwise assisting in towing a person on water skis, aquaplanes, or similar contrivances shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(c) A person being towed on water skis, aquaplanes, or similar devices by a vessel is considered an occupant of the vessel. (V.A.C.S. Art. 9206, Sec. 22(b), (c) (part), (d), (e).)

**Sec. 31.104. Accidents: Duty of Operators**

The operator of a vessel involved in a collision, accident, or casualty shall:

(1) render to other persons affected such assistance as may be practicable and necessary in order to save them from or minimize any danger insofar as he can do so without serious danger to his own vessel, crew, and passengers; and

(2) give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. (V.A.C.S. Art. 9206, Sec. 21(a).)

**Sec. 31.105. Accident Reports**

(a) The operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of \$50 shall file with the department on or before the expiration of 30 days after the incident a full description of the collision, accident, or casualty in accordance with regulations established by the department.

(b) The accident reports are confidential and are inadmissible in court as evidence.

(c) On request made by an authorized official or agency of the United States, any information available to the department under Subsection (a) of this section shall be sent to the official or agency. (V.A.C.S. Art. 9206, Sec. 21(b), (c); Sec. 23.)

[Sections 31.106-31.120 reserved for expansion]

**SUBCHAPTER E. ENFORCEMENT AND PENALTIES****Sec. 31.121. Enforcement Officers**

(a) All peace officers of this state and its political subdivisions and game management officers are enforcement officers for the purposes of this chapter.

(b) The enforcement officers may enforce the provisions of this chapter by arresting and taking into custody any person who commits any act

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or offense prohibited by this chapter or who violates any provision of this chapter.

(c) Game management officers may assist in the search for and rescue of victims of water-oriented accidents. (V.A.C.S. Art. 9206, Sec. 25(a) (part).)

**Sec. 31.122. Water Safety Vessels: Lights**

Only the department and police water safety vessels may use rotating blue beacon lights. (V.A.C.S. Art. 9206, Sec. 25(a) (part).)

**Sec. 31.123. Required Response to Police Water Safety Vessel**

The operator of a boat underway, on sighting a rotating blue beacon light, shall reduce power immediately and bring his boat to a no-wake speed and subsequent stop until the intention of the water safety vessel is understood. (V.A.C.S. Art. 9206, Sec. 25(a) (part).)

**Sec. 31.124. Inspection of Vessels**

(a) In order to enforce the provisions of this chapter, an enforcement officer may stop and board any vessel subject to this chapter and may inspect the boat to determine compliance with applicable provisions.

(b) An officer boarding a vessel shall first identify himself by presenting proper credentials.

(c) The operator of a vessel required by this chapter to hold a certificate of number aboard the vessel shall show the certificate to the officer on demand, and failure to do so constitutes a violation of this chapter.

(d) No person operating a boat on the water of this state may refuse to obey the directions of an enforcement officer when the officer is acting under the provisions of this chapter.

(e) The safety of the vessel shall always be the paramount consideration of an arresting officer.

(f) If an enforcement officer determines that a vessel and its associated equipment is being used in violation of this chapter or of any regulation or standard issued thereunder so as to create an especially hazardous condition, he may direct the operator to return to mooring, and the vessel may not be used until the condition creating the violation is corrected. (V.A.C.S. Art. 9206, Sec. 25(b), (c).)

**Sec. 31.125. Violations; Notice to Appear**

(a) An enforcement officer who arrests a person for a violation of this chapter may deliver to the alleged violator a written notice to appear within 15 days after the date of the violation before the justice court having jurisdiction of the offense.

(b) The person arrested shall sign the notice to appear promising to make his appearance in accordance with the requirements set forth in the notice. After signing the notice the person may be released. Failure to appear before the court in the county having jurisdiction constitutes a violation of the chapter. A warrant for the arrest of the person failing to appear may be issued. (V.A.C.S. Art. 9206, Sec. 25(d).)

**Sec. 31.126. Venue**

(a) Venue for an alleged violation or offense under the provisions of this chapter is in the justice court or county court having jurisdiction where the violation or offense was committed.



(b) For an offense under the provisions of this chapter, there is a presumption that the offense was committed in the justice precinct and county where the dam containing the body of water is located. (V.A.C.S. Art. 9206, Sec. 25(e).)

**Sec. 31.127. General Penalty**

A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, for which no other penalty is applicable is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. (V.A.C.S. Art. 9206, Sec. 24(a), (b), (c).)

**Sec. 31.128. Disposition of Fines**

(a) A justice of the peace, or a clerk of any court, or any other officer of this state receiving any fine imposed by a court for a violation of this chapter shall send the fine to the department within 10 days after receipt and shall note the docket number of the case, the name of the person fined, and the section or article of the law under which the conviction was secured.

(b) In justice court cases, the amount to be remitted to the fund shall be 85 percent of the fine. In county court cases the amount to be remitted to the fund shall be 80 percent of the fine. All costs of the court shall be retained by the court having jurisdiction of the offense and deposited as other fees in the proper county fund. (V.A.C.S. Art. 9206, Sec. 26.)

**Sec. 31.129. Violation of Sewage Disposal Regulations**

(a) A person who violates or fails to comply with a regulation of the Water Quality Board under Section 21.097, Water Code, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. A separate offense is committed each day a violation continues.

(b) The enforcement provisions of this subchapter apply to violations punishable by this section. (V.A.C.S. Art. 9206, Sec. 24f.)

[Sections 31.130–31.140 reserved for expansion]

**SUBCHAPTER F. WATER FACILITIES**

**Sec. 31.141. Boat Ramps**

(a) The department may construct and maintain boat ramps and access roads by the use of existing or additional services or facilities of the department.

(b) On the completion of the work, the department shall prepare and send vouchers to the comptroller of public accounts payable to the department or to any person, firm, or corporation for reimbursement for the work, and the comptroller shall issue warrants on the special boat fund to reimburse the department or any person, firm, or corporation for the work performed. (V.A.C.S. Art. 9206, Sec. 29(a).)

**Sec. 31.142. Buoys and Markers**

The department may provide for a standardized buoy-marking program for the inland water of the state. The department may purchase and pro-

vide the controlling agency of the water bodies with buoys and markers from funds remaining in the special boat fund in excess of the cost of administering this chapter. (V.A.C.S. Art. 9206, Sec. 29(b).)

## **TITLE 5. WILDLIFE CONSERVATION**

### **SUBTITLE A. HUNTING AND FISHING LICENSES**

#### **CHAPTER 41. RECIPROCAL HUNTING AND FISHING PRIVILEGES**

**Section**

- 41.001. Reciprocal Hunting and Fishing.
- 41.002. Reciprocal Hunting and Fishing: Louisiana.
- 41.003. Reciprocal License Agreements: Border States.
- 41.004. Reciprocal Agreements Proclaimed.
- 41.005. Termination of Reciprocal License Agreement.
- 41.006. Regulations for Reciprocal License Agreements.
- 41.007. Violation of Rule or Regulation.
- 41.008. Reciprocal License Agreements: Any Other State.

## **TITLE 5. WILDLIFE CONSERVATION**

### **SUBTITLE A. HUNTING AND FISHING LICENSES**

#### **CHAPTER 41. RECIPROCAL HUNTING AND FISHING PRIVILEGES**

**Sec. 41.001. Reciprocal Hunting and Fishing**

(a) A nonresident who is 17 years old or older and under 66 years old may hunt and fish in this state without a Texas license if he has in his immediate possession a valid hunting or fishing license issued to him by the state of his residence and if the state of his residence likewise allows hunting and fishing by Texas residents who have Texas licenses.

(b) A nonresident who may hunt and fish in this state under this section is subject to all laws relating to the taking of wildlife resources. (V.A.P.C. Art. 978f-6, Sec. 2.)

**Sec. 41.002. Reciprocal Hunting and Fishing: Louisiana**

(a) A Louisiana resident may hunt and fish for sport in Jefferson, Orange, and Shelby counties if he holds a valid Louisiana license and if the State of Louisiana allows a reciprocal privilege to Texas residents of Jefferson, Orange, and Shelby counties to hunt and fish in Louisiana parishes adjacent to those counties.

(b) A Louisiana resident may hunt and fish for sport on the water of Sabine River and Sabine Lake that form a common boundary between Texas and Louisiana if he holds a valid Louisiana license and if the State of Louisiana allows a reciprocal privilege to Texas residents who hold valid Texas licenses. (V.A.P.C. Art. 978f-8.)

**Sec. 41.003. Reciprocal License Agreements: Border States**

(a) The director shall negotiate for the commission with the proper representatives of each state having a common border with Texas to al-

low reciprocal fishing and migratory waterfowl hunting on rivers and lakes on the common boundary between Texas and the border state.

(b) An agreement must provide that residents of the border state who have a commercial or sport fishing license or a hunting license issued by the border state may fish or hunt migratory waterfowl on rivers and lakes of the common border, and Texas residents holding Texas licenses are extended equal privileges. (V.A.P.C. Art. 978f-6, Sec. 1.)

#### **Sec. 41.004. Reciprocal Agreements Proclaimed**

The commission may approve any agreement under Section 41.003 of this code by proclamation. A proclamation becomes effective 30 days after the day it is issued or 30 days after the agreement has been lawfully accepted by the bordering state, whichever is later. (V.A.P.C. Art. 978f-6, Sec. 3.)

#### **Sec. 41.005. Termination of Reciprocal License Agreement**

An agreement under Section 41.003 of this code may be terminated by the commission at any time after 90 days from the day notice of the termination is given to each border state that is a party to the agreement. (V.A.P.C. Art. 978f-6, Sec. 7.)

#### **Sec. 41.006. Regulations for Reciprocal License Agreements**

(a) The commission may make regulations conforming to an agreement under Section 41.003 of this code for the conservation of fish and wildlife.

(b) A regulation may be adopted only at a meeting of the commission in Austin, and any interested person is entitled to be heard at the meeting.

(c) Regulations adopted by the commission or issued by the director, when authorized by the commission to issue regulations, take effect 30 days after their adoption or issuance.

(d) After adoption of a regulation, a copy shall be numbered and filed in the office of the commission. Other copies shall be filed with the secretary of state, sent to the county clerk and county attorney in each county affected by the regulation, sent to the appropriate agency in the border state to which the agreement applies, and sent to each employee of the department who performs duties in a county affected by the regulation. (V.A.P.C. Art. 978f-6, Sec. 4, 5, and 6.)

#### **Sec. 41.007. Violation of Rule or Regulation**

(a) Any person who violates a regulation of the commission under Section 41.006 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

(b) Each freshwater fish and migratory waterfowl taken in violation of a regulation of the commission under Section 41.006 of this code is a separate offense. (V.A.P.C. Art. 978f-6, Sec. 8.)

#### **Sec. 41.008. Reciprocal License Agreements: Any Other State**

The department may agree with any other state to license sport hunting and fishing by residents of the other state at the same fee as Texas residents are licensed if the other state licenses Texas residents at the same fee as residents of the other state are licensed. (V.A.P.C. Art. 978f-7.)

## CHAPTER 42. GENERAL HUNTING LICENSE

### Section

- 42.001. Definitions.
- 42.002. Resident License Required.
- 42.003. Exception: Resident Hunting on Own Land.
- 42.004. Exception: Residents of Certain Age.
- 42.005. Nonresident License Required.
- 42.006. Exception: Migratory Birds.
- 42.007. Exception: Migratory Waterfowl.
- 42.008. Qualifications for Migratory Waterfowl License.
- 42.009. Exception: Certain Armed Services Members.
- 42.010. Issuance and Form of Licenses.
- 42.011. Issuance of License by Agents.
- 42.012. Resident License Fee.
- 42.013. Resident-Exempt License Fee.
- 42.014. Nonresident License Fee.
- 42.015. Migratory Bird License Fee.
- 42.016. Migratory Waterfowl License Fee.
- 42.017. Duplicate License.
- 42.018. Tag to be Attached to Deer.
- 42.019. Possession of Certain Parts of Deer.
- 42.020. Deer Tags: Prohibited Acts.
- 42.021. Bag Limits and Season Not Affected.
- 42.022. One License for Each Year.
- 42.023. Hunting Under License of Another.
- 42.024. Exhibiting License.
- 42.025. Penalty.

## CHAPTER 42. GENERAL HUNTING LICENSE

### Sec. 42.001. Definitions

In this chapter:

- (1) "Resident" means an individual, other than an alien, who has been a resident of this state for more than six months immediately before applying for a hunting license.
- (2) "Alien" means an individual who is not a citizen of the United States and who has not declared his intention to become a citizen.
- (3) "Nonresident" means an individual who is not a resident.
- (4) "Carcass" means the dead body of a deer minus the offal and inedible organs, or the trunk with the limbs and head attached, with or without the hide.
- (5) "Final destination" means the permanent residence of the hunter, the permanent residence of any other person receiving a deer carcass or any part of a deer carcass, or a commercial processing plant after the carcass has been finally processed. (P.C. Art. 920; V.A.P.C. Art. 895c, Sec. 6(a).)

### Sec. 42.002. Resident License Required

- (a) No resident may hunt wild turkey or deer in this state without first having acquired a current resident hunting license.
- (b) No resident may hunt any wild bird or animal outside the county of his residence without first having acquired a resident hunting license. (V.A.P.C. Art. 895c, Sec. 1 (part), 3.)

**Sec. 42.003. Exception: Resident Hunting on Own Land**

(a) A resident may hunt on land on which he resides for any wild bird, except turkey, and any wild animal, except deer, without a resident hunting license.

(b) A resident may hunt on land on which he resides for turkey and deer without a resident hunting license if he has acquired a resident exemption hunting license. (V.A.P.C. Art. 895c, Sec. 8 (part).)

**Sec. 42.004. Exception: Residents of Certain Age**

(a) A resident who is under 17 years old or who is 65 years old or older may hunt any wild bird, except turkey, and any wild animal, except deer, without a resident hunting license.

(b) A resident who is under 17 years old or who is 65 years old or older may hunt wild turkey and deer without a resident hunting license if he has acquired a resident exemption hunting license. (V.A.P.C. Art. 895c, Sec. 8 (part).)

**Sec. 42.005. Nonresident License Required**

No nonresident may hunt any wild bird or animal in this state without first having acquired a nonresident hunting license. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.006. Exception: Migratory Birds**

(a) A nonresident may hunt migratory birds without a nonresident hunting license if he has acquired a valid migratory bird hunting license.

(b) A migratory bird hunting license is valid for a period of five consecutive days only. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.007. Exception: Migratory Waterfowl**

A nonresident may hunt migratory waterfowl without a nonresident hunting license if he qualifies for and has received a migratory waterfowl hunting license. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.008. Qualifications for Migratory Waterfowl License**

A nonresident residing in a state or nation that allows a resident of this state to purchase a reciprocal migratory waterfowl hunting license at the same fee qualifies to acquire a migratory waterfowl hunting license. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.009. Exception: Certain Armed Services Members**

(a) A nonresident who is a member of the armed services may hunt any wild bird or animal in this state without a nonresident hunting license if he qualifies for and has received a resident hunting license.

(b) A member of the armed services on active duty for more than 30 days at a federal facility or installation in this state qualifies to acquire a resident hunting license.

(c) Adequate proof of length of duty assignment may be required from each license applicant, and the validity of the license is contingent on the applicant's proof, either by certification on the license or by use of a separate form issued by the department. (V.A.P.C. Art. 895c, Sec. 1 (part).)

**Sec. 42.010. Issuance and Form of Licenses**

(a) The department shall prescribe the form of and issue the licenses authorized by this chapter.

(b) Each license authorizing deer hunting must have attached the number of deer tags equal to the number of deer allowed by law to be killed during the year for which the license is issued.

(c) A resident exemption hunting license shall be printed to show clearly on its face that it is an exemption license and shall be signed by the licensee.

(d) No person may issue or receive a license authorized by this chapter except on the form provided by the department. (V.A.P.C. Art. 895c, Sec. 4, 8 (part).)

**Sec. 42.011. Issuance of License by Agents**

The department may authorize the issuance of licenses by agents. (V.A.P.C. Art. 895c, Sec. 1 (part), 2 (part).)

**Sec. 42.012. Resident License Fee**

The fee for a resident hunting license is \$5.25, 25 cents of which may be retained by an authorized agent issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 1 (part).)

**Sec. 42.013. Resident-Exempt License Fee**

The fee for a resident-exempt hunting license is 25 cents, 15 cents of which may be retained by the officer issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 8 (part).)

**Sec. 42.014. Nonresident License Fee**

The fee for a nonresident hunting license is \$37.50, 25 cents of which may be retained by the officer issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.015. Migratory Bird License Fee**

The fee for a migratory bird hunting license is \$10.25, 25 cents of which may be retained by the officer issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.016. Migratory Waterfowl License Fee**

The fee for a migratory waterfowl hunting license is \$10.25, 25 cents of which may be retained by the officer issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 2 (part).)

**Sec. 42.017. Duplicate License**

(a) If a person licensed to hunt under the provisions of this chapter loses the license or if the license is destroyed, the person may apply to the department for and receive a duplicate license.

(b) The application for a duplicate license is in the form of an affidavit and must contain a statement of fact concerning the loss or destruction of the license and a statement of the number of deer, if any, killed under the authority of the lost or destroyed license.

(c) A duplicate license entitling the holder to hunt deer shall have attached the number of deer tags allowed on the lost or destroyed license less the number of deer killed under the authority of the lost or destroyed license.

(d) The fee for a duplicate license is 50 cents, 25 cents of which may be retained by the officer issuing the license as his collection fee. (V.A.P.C. Art. 895c, Sec. 5 (part).)

**Sec. 42.018. Tag to be Attached to Deer**

(a) No person may possess the carcass of a wild deer at any time before the carcass has been finally processed and delivered to the final destination unless there is attached to the carcass a properly executed tag provided by the department and issued to the person who killed the deer.

(b) A tag is properly executed when it is filled out to show the date and place the deer to which the tag is attached was killed. (V.A.P.C. Art. 895c, Sec. 6(b), (d).)

**Sec. 42.019. Possession of Certain Parts of Deer**

(a) No person may possess the carcass of a wild deer with the head removed unless the carcass has been finally processed and delivered to the final destination.

(b) No person, other than the person who killed the deer, may receive or possess any part of a deer without a legible hunter's document attached to the carcass or part of the deer.

(c) A hunter's document is an instrument signed and executed by the person who killed the deer and must contain:

(1) the name and address of the person who killed the deer;

(2) the number of the hunting license of the person who killed the deer;

(3) the date on which the deer was killed; and

(4) the name of the ranch and the county where the deer was killed.

(d) A hunter's document shall remain with any part of the deer until it is finally processed and delivered to the final destination. (V.A.P.C. Art. 895c, Sec. 6(c).)

**Sec. 42.020. Deer Tags: Prohibited Acts**

(a) No person may use more deer tags during a license year than are originally authorized by the hunting license for the year.

(b) No person may use the same deer tag on more than one deer.

(c) No person may use a deer tag not issued to him. (V.A.P.C. Art. 895c, Sec. 6(e).)

**Sec. 42.021. Bag Limits and Season Not Affected**

The provisions of this chapter do not authorize any person to exceed any bag limit or to hunt deer during a closed season, and the attachment of deer tags as provided by this chapter is not prima facie evidence that the deer was lawfully killed. (V.A.P.C. Art. 895c, Sec. 6(f).)

**Sec. 42.022. One License for Each Year**

(a) No person may acquire or possess more than one hunting license during a license year.

(b) This section does not apply to the acquisition and possession of a duplicate hunting license acquired as provided in this chapter. (V.A.P.C. Art. 895c, Sec. 5 (part).)

**Sec. 42.023. Hunting Under License of Another**

No person may hunt under a license issued to another or permit another to hunt under a license issued to him. (V.A.P.C. Art. 895c, Sec. 9.)

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**Sec. 42.024. Exhibiting License**

No person required by the provisions of this chapter to have a hunting license may fail or refuse to show the license to an officer on demand. (V.A.P.C. Art. 895c, Sec. 10.)

**Sec. 42.025. Penalty**

A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 895c, Sec. 13.)

**CHAPTER 43. SPECIAL LICENSES AND PERMITS**

**SUBCHAPTER A. HUNTING BOAT LICENSE**

**Section**

- 43.001. Hunting Boat License Required.
- 43.002. Application for Hunting Boat License.
- 43.003. Hunting Boat License Fee.
- 43.004. License Period.
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- 43.011. White-Winged Dove Stamp Required.
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- 43.028. Cancellation of Permit
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**Section**

- 43.046. Form and Execution of License.
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- 43.055. Reports.
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[Sections 43.058 -43.060 reserved for expansion]

**SUBCHAPTER E. PERMIT FOR CAPTURE OF  
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- 43.061. Indigenous Mammals and Birds.

[Sections 43.062 -43.070 reserved for expansion]

**SUBCHAPTER F. PRIVATE BIRD SHOOTING AREAS**

- 43.071. Definitions.
- 43.072. Application for License.
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- 43.075. Game Birds in Captivity; Banding.
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- 43.102. Permit Authorized.
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- 43.104. Grounds to Issue Permit.
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- 43.107. Reports Required.
- 43.108. Reports by Department.
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PROTECTED SPECIES**

- 43.151. Damage to Crops or Domestic Animals.
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## CHAPTER 13. SPECIAL LICENSES AND PERMITS

### SUBCHAPTER A. HUNTING BOAT LICENSE

#### Sec. 43.001. Hunting Boat License Required

No person owning or navigating a sailboat or powerboat may accommodate on board the boat for pay another person engaged in hunting unless the owner or navigator has acquired a hunting boat license from the department. (P.C. Art. 903 (part).)

#### Sec. 43.002. Application for Hunting Boat License

The application for a hunting boat license must include:

- (1) the name of the vessel;
- (2) a statement describing the accommodations for passengers;
- (3) the number of crew members; and
- (4) a certification signed by the applicant on forms provided by the department and stating that the applicant will not violate any provision of this code with respect to hunting, that the applicant will attempt to prevent any person he accommodates on the vessel from violating any provision of this code with respect to hunting, and that the applicant will refuse to accommodate on the vessel any hunter who does not possess a hunting license. (P.C. Art. 903 (part).)

#### Sec. 43.003. Hunting Boat License Fee

The fee for a hunting boat license is \$25. (P.C. Art. 903 (part).)

#### Sec. 43.004. License Period

A license issued under this subchapter is valid for one year only. (P.C. Art. 903 (part).)

#### Sec. 43.005. Penalties

(a) A person who violates Section 43.001 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(b) The hunting boat license of a person convicted of a violation of Section 43.001 of this code may be cancelled. A person whose license is cancelled under this section may not receive another hunting boat license for one year. (P.C. Art. 903 (part).)

[Sections 43.006-43.010 reserved for expansion]

### SUBCHAPTER B. WHITE-WINGED DOVE STAMPS

#### Sec. 43.011. White-Winged Dove Stamp Required

No person may hunt white-winged dove in this state unless he has in his possession a white-winged dove stamp issued to him by the department. (V.A.P.C. Art. 879a-6, Sec. 1.)

**Sec. 43.012. Issuance of Stamp**

(a) The department or its agent may issue a white-winged dove stamp to any person on the payment to the department of \$3.

(b) The stamp shall be issued in the form prescribed by the department and must be signed on its face by the person using the stamp. (V.A.P.C. Art. 879a-6, Sec. 2.)

**Sec. 43.013. Hunting License Required Also**

The acquisition of a white-winged dove stamp does not authorize a person to hunt white-winged dove without having acquired a hunting license as provided in Chapter 42 of this code or authorize the hunting of white-winged dove at any time or by any means not otherwise authorized by this code. (V.A.P.C. Art. 879a-6, Sec. 3.)

**Sec. 43.014. Disposition of Stamp Fees**

(a) Ten cents of the fee collected under this subchapter may be retained by the agent of the department, other than a department employee, as his collection fee.

(b) After deduction of the collection fee, if allowed, the receipts from stamp sales shall be sent to the department.

(c) The department shall deposit the stamp sale receipts in the state treasury in special game and fish fund no. 9. One-half of these receipts may be spent only for research and management for the protection of white-winged dove and the other one-half may be spent only for the acquisition of white-winged dove habitat in the state. (V.A.P.C. Art. 879a-6, Sec. 4.)

**Sec. 43.015. Refusal to Show Stamp**

A person hunting white-winged dove who refuses on demand of any game management officer or peace officer to show a white-winged dove stamp is presumed to be in violation of Section 43.011 of this code. (V.A.P.C. Art. 879a-6, Sec. 5 (part).)

**Sec. 43.016. Penalty**

A person who violates Section 43.011 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 879a-6, Sec. 5 (part).)

[Sections 43.017-43.020 reserved for expansion]

**SUBCHAPTER C. PERMITS FOR SCIENTIFIC, ZOOLOGICAL, AND PROPAGATION PURPOSES****Sec. 43.021. Protected Wildlife**

In this subchapter, "protected wildlife" means all animals, birds, fish, and other aquatic life the taking, possession, or propagation of which is regulated by law or by the department and includes endangered species. (New in part; V.A.P.C. Art. 913a, Sec. 9(d).)

**Sec. 43.022. Permit Authorized**

The department may issue a permit to a qualified person to take protected wildlife for propagation purposes, zoological gardens, aquariums, and scientific purposes. (V.A.P.C. Art. 913, Sec. 1 (part), Sec. 1A (part).)

**Sec. 43.023. Permit is Defense**

In any prosecution for the unlawful taking or transporting of wildlife, the possession of a permit issued under this subchapter to the accused is a complete defense if the conduct was authorized under the terms of the permit. (V.A.P.C. Art. 913, Sec. 2 (part), Sec. 6 (part).)

**Sec. 43.024. Restrictions on Permits**

(a) No permit may be issued for the taking or transportation of any endangered fish or wildlife the possession, taking, or transportation of which is prohibited by federal law.

(b) The department may refuse to grant a permit for the taking or transportation of endangered fish or wildlife from their natural habitat for propagation for commercial purposes if the fish or wildlife may be legally obtained from a source in this state other than from their natural habitat.

(c) No permit may be issued for the taking of migratory birds unless the applicant has obtained a federal permit for the taking of migratory birds.

(d) No permit may be issued for the taking of alligators or marine animals for display in an aquarium unless the aquarium is a public or commercial organization or enterprise. (V.A.P.C. Art. 913, Sec. 1 (part), Sec. 1A (part); Art. 913a, Sec. 9(b), (c).)

**Sec. 43.025. Application**

(a) The application for a permit shall be made under oath and must state the species of protected wildlife to be taken or transported and the purpose of collection or transportation.

(b) The application must be endorsed by two recognized specialists in the biological field concerned who are residents of the United States and have known the applicant for at least five years; except that endorsement is not required for an application for a permit to take alligators or marine life for aquarium purposes.

(c) The department must find that an applicant for a permit to take alligators or marine life for aquarium purposes is qualified to carry out capture in a scientific manner without cruelty. (V.A.P.C. Art. 913, Sec. 1 (part), Sec. 1A (part).)

**Sec. 43.026. Conditions of Permit; Expiration**

(a) The department shall issue the permits under any conditions determined to be appropriate, including specifying the number and species of wildlife that may be taken.

(b) A permit expires on the last day of the year of issuance. (V.A.P.C. Art. 913, Sec. 1A (part), Sec. 2 (part); Art. 913a, Sec. 9(e).)

**Sec. 43.027. Regulations**

The department may make regulations governing the taking and possession of protected wildlife indigenous to the state for the scientific purposes, zoological gardens, and propagation purposes. (V.A.P.C. Art. 913, Sec. 3 (part).)

**Sec. 43.028. Cancellation of Permit**

The department may cancel a permit for any violation of the department's regulations. (V.A.P.C. Art. 913, Sec. 3 (part).)

**Sec. 43.029. Reports**

The holder of a permit shall file with the department before January 11 of the year after the expiration of the permit a report showing the number and species of wildlife taken under the permit and their disposition. The report shall also give the results of any research conducted under the permit. (V.A.P.C. Art. 913, Sec. 4.)

**Sec. 43.030. Penalty**

A person who violates the conditions of a permit or a regulation of the department issued under this subchapter, or who fails to file a full and complete report as required by Section 43.029 of this code, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 913, Sec. 7.)

[Sections 43.031- 43.040 reserved for expansion]

**SUBCHAPTER D. PRESERVE AND RESORT LICENSES****Sec. 43.041. Definitions**

In this subchapter:

(1) "Shooting preserve" means a separate, unconnected, and distinct tract of land with a continuous and unbroken boundary leased for hunting purposes.

(2) "Shooting resort" means a tract of land of not less than 600 nor more than 2,000 contiguous acres on which pen-raised fowls or imported game birds are released to provide hunting for members or guests. (P.C. Art. 908, Sec. (b), (c).)

(3) "Shooting club" means an association of persons or a legal entity that owns or operates a shooting preserve or shooting resort. (New.)

**Sec. 43.042. License Required**

No person who is the manager or owner of a shooting club, shooting preserve, or shooting resort, or who leases land for hunting purposes may receive or accommodate as a member or guest of the shooting club, shooting resort, or shooting preserve, or as a guest of the lessee of land, for pay another person engaged in hunting unless the owner, manager, or lessee has acquired a license from the department authorizing the receiving or accommodation of members and guests. (P.C. Art. 908, Sec. (a) (part).)

**Sec. 43.043. Issuance of License**

The department shall issue one license for each shooting preserve or shooting resort. (P.C. Art. 908, Sec. (f).)

**Sec. 43.044. License Fees**

(a) The fee for a shooting preserve license is \$25.

(b) The fee for a shooting resort license is \$25. (P.C. Art. 908, Sec. (g) (part).)

**Sec. 43.045. Duration of License**

A shooting preserve license and a shooting resort license are valid for the period from September 1 of one year through August 31 of the following year. (P.C. Art. 908, Sec. (a) (part).)

**Sec. 43.046. Form and Execution of License**

(a) The department shall furnish license forms to agents who are authorized to issue hunting and fishing licenses.

(b) The license must:

- (1) be numbered serially with stubs attached;
- (2) be clearly marked as a shooting preserve license or a shooting resort license;
- (3) have printed across the face of the license the year for which it is issued;
- (4) show the expiration date of the license;
- (5) bear the seal of the department; and
- (6) have printed on the reverse side of the license the open seasons and bag limits for the game authorized to be taken.

(c) The license shall be executed by filling in the name and address of the licensee, the name of the shooting club, shooting preserve, or shooting resort, the character of game found in the area to which the license applies, and the signature of the employee of the department or issuing agent. (P.C. Art. 908, Sec. (m).)

**Sec. 43.047. Name of Club, Preserve, or Resort**

The holder of a shooting preserve or shooting resort license shall file with the department the name of the shooting club, shooting preserve, or shooting resort. (P.C. Art. 908, Sec. (g) (part).)

**Sec. 43.048. Affidavit Required**

The holder of a shooting preserve or shooting resort license shall file with the department an affidavit stating that the licensee will:

- (1) not violate any of the provisions of this subchapter;
- (2) endeavor to prevent any guest or member of the shooting club, shooting preserve, or shooting resort from violating any of the provisions of this subchapter; and
- (3) not receive or accommodate members or guests who do not have valid hunting licenses. (P.C. Art. 908, Sec. (g) (part).)

**Sec. 43.049. Nonresident Hunting License for Shooting Resort**

(a) A nonresident may acquire a shooting resort hunting license from the department entitling the nonresident to take wild birds from a shooting resort only.

(b) A nonresident shooting resort hunting license is valid from October 1 of one year to April 1 of the following year.

(c) The fee for a nonresident shooting resort hunting license is \$5, of which fee 25 cents may be retained as a collection fee by the agent issuing the license but not by an employee of the department. (P.C. Art. 908, Sec. (g) (part).)

**Sec. 43.050. Shooting Resort Identified**

(a) The owner or manager of a shooting resort shall mark the boundaries of the shooting resort with metal signs. The signs shall be placed at each entrance to the resort and around the perimeter of the resort at a distance of not more than 1,000 feet apart.

(b) The size of the sign must be at least 18 inches by 24 inches.

(c) The signs must bear the words "Shooting resort licensed by the Parks and Wildlife Department—Hunting by permit only." The lettering

of the words must be large enough so that they may be read under ordinary conditions from a distance of 200 feet. (P.C. Art. 908, Sec. (d).)

**Sec. 43.051. Season**

The open season on a shooting resort or other hunting area for the taking of game birds, pen-raised fowl, and imported game birds that have been stocked by the owner is from October 1 of one year through April 1 of the following year. (P.C. Art. 908, Sec. (i).)

**Sec. 43.052. Banding Game Birds**

Each game bird taken on a shooting resort shall be banded with a band showing the permit number of the owner of the resort. The band must remain on the bird after it is killed and processed. (P.C. Art. 908, Sec. (h).)

**Sec. 43.053. Releasing of Fowl Required**

(a) The operator of a shooting resort shall release at least 500 quail or at least 500 pheasant or chukar annually for each 600 acres of land licensed as a shooting resort.

(b) The operator of a shooting resort shall release a number of birds equal to at least five percent of the number of birds taken during the open season within 30 days after the end of the open season provided in this subchapter. (P.C. Art. 908, Sec. (e).)

**Sec. 43.054. Records**

(a) The manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting shall keep a suitable record book.

(b) Each member or guest of a shooting club, shooting resort, or shooting preserve, or guest of a lessee of land leased for hunting shall register in the record book. He shall enter his name and address, his hunting license number, and the number and kinds of game taken for each day. (P.C. Art. 908, Sec. (j) (part).)

**Sec. 43.055. Reports**

The manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting shall report to the department on or before May 1 of each year. (P.C. Art. 908, Sec. (j) (part).)

**Sec. 43.056. Cancellation of License**

(a) If the manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting fails or refuses to comply with any provision of this subchapter, the department or its authorized agent may cancel the license granted under this subchapter without refunding the license fee.

(b) A person whose license is cancelled under this section may not receive another license for one year after the cancellation. (P.C. Art. 908, Sec. (k).)

**Sec. 43.057. Penalty**

A manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting who violates any provision of this subchapter or who fails to comply with any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than

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\$25 nor more than \$200 or by confinement in the county jail for not more than 90 days, or by both. (P.C. Art. 908, Sec. (1) (part).)

[Sections 43.058-43.060 reserved for expansion]

**SUBCHAPTER E. PERMIT FOR CAPTURE OF INDIGENOUS GAME**

**Sec. 43.061. Indigenous Mammals and Birds**

(a) No person may capture or transport any game mammal or game bird captured from the wild that is indigenous to this state unless he has obtained a permit from the department.

(b) The department may issue permits for trapping and transporting game mammals or game birds from the wild that are indigenous to this state as a means of better wildlife management by making adjustments in the game population.

(c) This section does not apply to any game animals or game birds that are privately owned or privately raised. (V.A.P.C. Art. 871b.)

[Sections 43.062-43.070 reserved for expansion]

**SUBCHAPTER F. PRIVATE BIRD SHOOTING AREAS**

**Sec. 43.071. Definitions**

In this subchapter:

(1) "Private bird shooting area" means an area on which the hunting or taking of privately owned game birds is authorized.

(2) "Licensee" means a person holding a private bird shooting area license.

(3) "Guest" means a person other than a licensee who is authorized by a license to hunt or take birds in a private bird shooting area. (V.A.P.C. Art. 874a, Sec. 1 (part).)

**Sec. 43.072. Application for License**

(a) Any person, including the holder of a shooting resort license, may apply to the department for a private bird shooting area license.

(b) The applicant shall certify by his signature on forms provided by the department stating that he will not violate any of the provisions of this subchapter and will endeavor to prevent guests from committing violations.

(c) The private bird shooting area license fee is \$25. (V.A.P.C. Art. 874a, Sec. 1 (part), 3.)

**Sec. 43.073. Size of Area; Markings**

(a) A private bird shooting area may consist of not more than 300 contiguous acres.

(b) A private bird shooting area shall be distinguished from any other club, shooting resort, shooting preserve, or leased premises for hunting purposes by clearly marking its boundaries with wood or metal markers bearing the words, "Private Bird Shooting Area, Licensed by the Texas Parks and Wildlife Department." The lettering on these markers shall be large enough to permit reading under ordinary conditions at 200 feet.

(c) Markers shall be placed to identify clearly the boundaries of each area and each entrance. (V.A.P.C. Art. 874a, Sec. 2.)



**Sec. 43.074. Taking of Game Birds Authorized**

(a) A licensee or a guest may take privately owned game birds or pen-reared game birds in a private bird shooting area during the private bird shooting area season.

(b) The private bird shooting area season begins January 1 and extends through December 31 of each year. (V.A.P.C. Art. 874a, Sec. 1 (part), Sec. 4 (part).)

**Sec. 43.075. Game Birds in Captivity; Banding**

(a) A licensee may hold game birds in captivity for use in the private bird shooting area.

(b) All privately owned game birds and pen-reared game birds released on a private bird shooting area shall be banded.

(c) The band shall remain on each bird killed until it is finally processed.

(d) Each band must show the permit number of the licensee. (V.A.P.C. Art. 874a, Sec. 4 (part).)

**Sec. 43.076. License Form**

No person may issue or accept a private bird shooting area license except on the form prescribed by the department. (V.A.P.C. Art. 874a, Sec. 5.)

**Sec. 43.077. Penalty**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 874a, Sec. 6.)

**Sec. 43.078. Hunting License Required**

Nothing in this subchapter authorizes any person to hunt game birds without having a hunting license required by Chapter 42 of this code. (V.A.P.C. Art. 874a, Sec. 4 (part).)

[Sections 43.079- 43.100 reserved for expansion]

**SUBCHAPTER G. PREDATOR CONTROL FROM AIRCRAFT****Sec. 43.101. Applicability of Subchapter**

This subchapter applies only to the following counties: Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Frio, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, LaSalle, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McMullen, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Robertson, Runnels, San Saba,

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Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Yoakum, Young, Zavala. (Acts 63rd Legis., Ch. 147, Sec. 10.)

**Sec. 43.102. Permit Authorized**

Under Public Law 92-159, Section (b)(1) (85 Stat. 480, 16 U.S.C. 742j-1), the department may issue permits for predator animal control by the use of aircraft in this state. (Acts 63rd Legis., Ch. 147, Sec. 1 (part).)

**Sec. 43.103. Definition**

"Predator animals" means coyotes, bobcats, red foxes, and crossbreeds between coyotes and dogs but does not include birds or fowl. (Acts 63rd Legis., Ch. 147, Sec. 2.)

**Sec. 43.104. Grounds to Issue Permit**

The department may issue the permit to any person if the department finds that predator animal control by the use of aircraft is necessary to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops. (Acts 63rd Legis., Ch. 147, Sec. 1 (part).)

**Sec. 43.105. Application for Permit**

An applicant for a permit under this subchapter shall file with the application one or more affidavits, containing facts as well as opinion, stating the kind and number of predator animals that are requested to be taken by the use of aircraft, a list of the counties from which the animals are requested to be taken, and the reasons why the permit should be issued. (Acts 63rd Legis., Ch. 147, Sec. 3.)

**Sec. 43.106. Form and Period of Validity of Permit; Renewal**

The department shall prescribe the form and manner of issuance of the permit. No permit issued under this subchapter is valid for more than one year, but the department may renew a permit on a showing that renewal is necessary. (Acts 63rd Legis., Ch. 147, Sec. 4.)

**Sec. 43.107. Reports Required**

The holder of a permit under this subchapter shall file with the department within 30 days following the end of each calendar quarter a report showing:

- (1) the name and address of the permit holder;
  - (2) the number and a description of the predator animals taken under the permit, and the number and description of the predator animals authorized to be taken under the permit;
  - (3) a description of the area to which the permit is applicable;
- and
- (4) any other relevant information the department may require.
- (Acts 63rd Legis., Ch. 147, Sec. 5.)

**Sec. 43.108. Reports by Department**

The department shall report annually to the Secretary of the Interior of the United States as required by federal law. (Acts 63rd Legis., Ch. 147, Sec. 6.)

**Sec. 43.109. Regulations**

The commission may make regulations governing predator animal control by aircraft under this subchapter. The commission shall give notice and hold hearings on all proposed regulations under this subchapter. (Acts 63rd Legis., Ch. 147, Sec. 7.)

**Sec. 43.110. Permit Fee**

The commission shall set an annual fee for the taking of predator animals by the use of aircraft. (Acts 63rd Legis., Ch. 147, Sec. 8.)

**Sec. 43.111. Penalty**

A person who violates any provision of this subchapter or any person in an aircraft who shoots any animals or birds other than predator animals with a gun, rifle, or any other device capable of injuring or killing a wild animal or bird is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 63rd Legis., Ch. 147, Sec. 9.)

[Sections 43.112–43.150 reserved for expansion]

**SUBCHAPTER H. PERMITS TO CONTROL PROTECTED SPECIES****Sec. 43.151. Damage to Crops or Domestic Animals**

(a) A person whose crops or domestic animals are being damaged or destroyed by a wild bird or animal protected by this code and who desires to kill the protected bird or animal shall give written notice of the facts to the county judge of the county in which the damage occurs.

(b) The county judge, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse and shall notify the department of the location of the property where the damage is occurring, the type of crops or animals being damaged, and the name of the applicant. (P.C. Art. 888, Sec. (a) (part), (b).)

**Sec. 43.152. Department Inspection**

On receiving notice from a county judge, the department shall inspect the property and determine if damage is occurring as alleged in the notice. If the damage is occurring, the department shall make recommendations to the person as are feasible and appropriate for controlling the damage. (P.C. Art. 888, Sec. (a) (part).)

**Sec. 43.153. Application for Permit**

(a) A person whose crops or domestic animals are being damaged may file with the department an application for a permit to kill protected wild birds or animals.

(b) The application must be in writing and be sworn to by the applicant and must contain:

(1) a statement of facts relating to the damage; and

(2) an agreement by the applicant to comply with the provisions of this subchapter relating to the disposition of game.

(c) The application must be accompanied by:

(1) a statement signed by the employee of the department who made the investigation that damage is being done and control measures have been recommended;

- (2) a statement by the applicant that he has taken all measures recommended by the department for the prevention of damage; and
- (3) a certification of the county judge that the application is true. (P.C. Art. 888, Sec. (c) (part).)

**Sec. 43.154. Permit**

(a) On receipt of an application, the department may issue a permit for the killing of wild birds and wild animals without regard to the closed season, bag limit, or prohibition against night hunting.

(b) The department shall deliver the permit, if issued, to the county judge that sent the notice of damage. The permit may not be delivered earlier than 24 hours after the notice from the county judge was received by the department.

(c) A permit must specify:

- (1) the period of time during which it is valid;
- (2) the area in which it applies;
- (3) the kind of birds and animals authorized to be killed; and
- (4) the persons permitted to kill the noxious birds or animals.

(d) No permit authorizing the killing of migratory game birds protected by the Federal Migratory Bird Treaty Act may be issued unless the applicant has received a permit from the United States Department of Interior, Fish and Wildlife Service. No permit may be issued for the taking of birds or animals protected under Chapter 68 of this code (Endangered Species). (P.C. Art. 888, Sec. (c) (part), (d), (e).)

**Sec. 43.155. Deer**

(a) The holder of a permit issued under this subchapter who kills a deer under the authority of the permit shall give the location of the deer carcass to the game management officer or other department employee assigned to the area covered by the permit.

(b) The officer or other department employee notified shall dispose of the carcass by donating it to a charitable institution or hospital or to needy persons. (P.C. Art. 888, Sec. (f).)

**Sec. 43.156. Cancellation of Permit**

The department may cancel a permit if the holder violates a term or condition of the permit, the holder exceeds the authority granted in the permit, or the permit does not accomplish its intended purposes. (P.C. Art. 888, Sec. (g).)

**Sec. 43.157. Violations; Penalty**

(a) No permittee may fail to notify a game management officer or other department employee of the killing of a deer as required by Section 43.155 of this code.

(b) No permittee may dispose of a deer carcass killed under the permit or allow the deer to be disposed of except as allowed under Section 43.155 of this code.

(c) No permittee may violate a term or condition of the permit.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500. (P.C. Art. 888, Sec. (h).)

**CHAPTER 14. GAME BREEDER'S LICENSE****Section**

- 44.001. Definitions.
- 44.002. License Requirement.
- 44.003. Game Breeder's License.
- 44.004. Reissuance of License.
- 44.005. Serial Number.
- 44.006. License Privileges.
- 44.007. Records.
- 44.008. Enclosure Size.
- 44.009. Inspection.
- 44.010. Shipment of Game Animals.
- 44.011. Purchase and Sale of Live Game Animals.
- 44.012. Sale During Open Season.
- 44.013. Use of Purchased Game Animals.
- 44.014. Application of General Laws.
- 44.015. Right of Department.
- 44.016. Penalties.

**CHAPTER 44. GAME BREEDER'S LICENSE****Sec. 44.001. Definitions**

In this chapter:

- (1) "Game breeder" means a person holding a valid game breeder's license.
- (2) "Captivity" means the keeping of game animals in an enclosure suitable for and capable of retaining the animal it is designed to retain at all times under reasonable and ordinary circumstances and to prevent entry by another animal. (V.A.P.C. Art. 978k, Sec. 1(part), 4 (part).)

**Sec. 44.002. License Requirement**

No person may place in captivity or engage in the business of propagating any game animal of this state for the purpose of sale, barter, exchange, or offering for sale, barter, or exchange unless he has obtained a license issued under this chapter from the department. (V.A.P.C. Art. 978k, Sec. 1 (part).)

**Sec. 44.003. Game Breeder's License**

The department shall issue a game breeder's license on payment of a license fee of \$5. The license expires on August 31 following the date of its issuance. (V.A.P.C. Art. 978k, Sec. 1 (part).)

**Sec. 44.004. Reissuance of License**

A game breeder's license may not be issued to a previous licensee unless the licensee has filed with the department a copy of the record required by Section 44.007 of this code with an affidavit made before an officer qualified to administer oaths that the copy is true and correct. (V.A.P.C. Art. 978k, Sec. 12 (part).)

**Sec. 44.005. Serial Number**

(a) The department shall issue a serial number to the applicant at the time of the first issuance of a game breeder's license to the applicant. The same serial number shall be assigned to the licensee whenever he holds a game breeder's license.

(b) The game breeder shall place a suitable permanent metal tag bearing his serial number on the ear of each deer or antelope held in captivity or sold by the game breeder. (V.A.P.C. Art. 978k, Sec. 6.)

**Sec. 44.006. License Privileges**

The holder of a valid game breeder's license may:

(1) engage in the business of game breeding in the immediate locality for which the license was issued; and

(2) sell or hold in captivity for the purpose of propagation or sale wild deer, wild antelope, elk, black bear, collared peccary, and wild squirrels. (V.A.P.C. Art. 978k, Sec. 2.)

**Sec. 44.007. Records**

Each game breeder shall keep a written record in a suitably bound book for the period from the date of license issuance until the following September 1 containing:

(1) the number and source of each kind of game animal on hand at the time the license is issued;

(2) the number, source, and date of receipt of each kind of game animal on hand at any time after the license is obtained; and

(3) the number of each kind of game animal shipped or delivered, the date of shipment or delivery, and the name and address of persons to whom the shipment or delivery is made. (V.A.P.C. Art. 978k, Sec. 12 (part).)

**Sec. 44.008. Enclosure Size**

A single enclosure for any game animal may not contain more than 320 acres. (V.A.P.C. Art. 978k, Sec. 4 (part).)

**Sec. 44.009. Inspection**

An authorized employee of the department may inspect at any time and without warrant any pen, coop, or enclosure holding a game animal. (V.A.P.C. Art. 978k, Sec. 5.)

**Sec. 44.010. Shipment of Game Animals**

(a) A common carrier may not accept a live game animal unless the game animal is one listed in Section 44.006(2) of this code and the shipment is made by a game breeder.

(b) No person, except a game breeder or his authorized agent, may transport or ship a live game animal unless he obtains a permit for shipment or transportation from the department. (V.A.P.C. Art. 978k, Sec. 10.)

**Sec. 44.011. Purchase and Sale of Live Game Animals**

(a) Only game animals that are in a healthy condition may be sold, bartered, or exchanged, or offered for sale, barter, or exchange by a game breeder.

(b) No person may purchase or accept in this state a live game animal unless:

(1) the game animal bears a tag required by Section 44.005 of this code and is delivered or sold by a game breeder; or

(2) the game animal is delivered by a common carrier from outside this state. (V.A.P.C. Art. 978k, Sec. 7 (part).)

#### **Sec. 44.012. Sale During Open Season**

No game breeder may sell or ship to another person in this state a wild deer, wild antelope, or collared peccary, and no person in this state may purchase from a game breeder in this state a wild deer, wild antelope, or collared peccary during an open season for taking the game animal or during a period of 10 days before and after an open season. (V.A.P.C. Art. 978k, Sec. 9.)

#### **Sec. 44.013. Use of Purchased Game Animals**

(a) Except as provided in Subsection (b) of this section, game animals may be purchased or received in this state only for the purpose of liberation for stocking purposes or holding for propagation purposes. All game animals and increase from the game animals are under the full force of the laws of this state pertaining to wild game and the game animals may be held in captivity for propagation in this state only after a license is issued by the department under this chapter.

(b) Game animals may be held, taken, or received for scientific and zoological purposes under a permit issued by the department pursuant to Section 43.022 of this code. (V.A.P.C. Art. 978k, Sec. 7 (part).)

#### **Sec. 44.014. Application of General Laws**

In order that native game species may be preserved, game animals held under a game breeder's license are subject to all laws and regulations of this state pertaining to wild game animals except as specifically provided in this chapter. (V.A.P.C. Art. 978k, Sec. 3.)

#### **Sec. 44.015. Right of Department**

The department or an authorized employee of the department may take, possess, hold, transport, or propagate any game animal of this state for public purposes. (V.A.P.C. Art. 978k, Sec. 11.)

#### **Sec. 44.016. Penalties**

(a) A person who violates a provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

(b) Each animal sold, purchased, or held in violation of this chapter constitutes a separate offense.

(c) The license of a game breeder convicted of a violation of this chapter is subject to forfeiture. If the license of a game breeder is forfeited, he is not entitled to reissuance of the license for a period of one year following the date of conviction. (V.A.P.C. Art. 978k, Sec. 15.)

## CHAPTER 45. GAME BIRD BREEDER'S LICENSE

### Section

- 45.001. License required.
- 45.002. Form of License; Period of Validity.
- 45.003. Types of Licenses; Fees.
- 45.004. Size of Enclosures.
- 45.005. Live Birds to be Banded.
- 45.006. Bird Carcasses to be Stamped; Purchase Without Stamp Prohibited.
- 45.007. Prohibited Acts.
- 45.008. Records; Reports.
- 45.009. Exceptions.
- 45.010. Inspections.
- 45.011. Permits Required by the United States.
- 45.012. Penalty.

## CHAPTER 45. GAME BIRD BREEDER'S LICENSE

### Sec. 45.001. License Required

No person may engage in the business of propagating game birds for the purpose of sale without first acquiring the proper license authorized to be issued under this chapter. (V.A.P.C. Art. 978k-1, Sec. 1.)

### Sec. 45.002. Form of License; Period of Validity

(a) The department shall issue the licenses authorized by this chapter on a form provided by the department and may designate agents for their issuance.

(b) Each license shall be numbered.

(c) A license is valid for one year from the date of its issuance. (V.A.P.C. Art. 978k-1, Sec. 2.)

### Sec. 45.003. Types of Licenses; Fees

(a) A class 1 commercial game bird breeder's license entitles the holder to engage in the business of propagating game birds for sale or holding game birds in captivity for sale. The fee for a class 1 commercial game bird breeder's license is \$50.

(b) A class 2 commercial game bird breeder's license entitles the holder to engage in the business of propagating game birds for sale or holding game birds in captivity for sale, except that the holder of a class 2 license may not possess more than 1,000 game birds during any calendar year. The fee for a class 2 commercial game bird breeder's license is \$5. (V.A.P.C. Art. 978k-1, Sec. 3.)

### Sec. 45.004. Size of Enclosures

(a) No holder of a license under this chapter may retain game birds, other than a migratory bird or waterfowl, in an enclosure larger than 40 acres.

(b) No holder of a license under this chapter may retain a migratory bird or waterfowl in an enclosure larger than 320 acres.

(c) "Captivity" means the keeping of game birds in an enclosure or pen. (V.A.P.C. Art. 978k-1, Sec. 4.)



**Sec. 45.005. Live Birds to be Banded**

(a) No holder of a class 2 commercial game bird breeder's license may fail to band and keep banded all live game birds in his possession as required by this section.

(b) The department shall issue to each holder of a commercial game bird breeder's license a serial number which shall remain the number of the person holding the license as long as he continues to hold a license.

(c) The bands required in this section shall be of metal and shall bear the serial number of the holder of the class 2 license. (V.A.P.C. Art. 978k-1, Sec. 6.)

**Sec. 45.006. Bird Carcasses to be Stamped; Purchase Without Stamp Prohibited**

(a) No holder of a license required by this chapter may sell or offer for sale the carcass of a dead pen-raised game bird unless the carcass is clearly stamped and marked by the stamp required by Subsection (b) of this section.

(b) Each holder of a license required by this chapter who offers for sale the carcass of a pen-raised game bird shall acquire and maintain a rubber stamp which, when used, shows the serial number of the holder of the license.

(c) No person may knowingly purchase the carcass of a game bird in this state unless the bird is stamped as required by this section. (V.A.P.C. Art. 978k-1, Sec. 7.)

**Sec. 45.007. Prohibited Acts**

(a) No holder of a game bird breeder's license may sell a live game bird unless it is in a healthy condition.

(b) No person may purchase a live game bird except from a holder of a game bird breeder's license; however, this subsection does not prohibit the purchase of live game birds delivered by a common carrier from outside the state.

(c) The carcass of a pen-raised game bird offered for sale must be killed other than by shooting. (V.A.P.C. Art. 978k 1, Sec. 9, 8.)

**Sec. 45.008. Records; Reports**

(a) Each commercial game bird breeder shall maintain records showing the numbers of game birds acquired, propagated, sold, and disposed of in any other manner. The records shall be on forms provided by the department and shall contain any other information required by the department.

(b) During August of each year, but before August 31, a commercial game bird breeder shall send to the department a report showing the total number of game birds in the possession of the breeder during the previous year and accounting for the acquisition and disposition of each game bird.

(c) The failure to keep the records required by Subsection (a) of this section or to make the report as required by Subsection (b) of this section is a violation of this chapter. (V.A.P.C. Art. 978k-1, Sec. 11.)

**Sec. 45.009. Exceptions**

(a) A person may purchase live pheasant from a commercial game bird breeder for any purpose.

(b) A commercial game bird breeder may slaughter game birds for his personal consumption at any time.

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(c) This chapter does not apply to a person holding a permit under Section 43.022 of this code.

(d) Any person owning or operating a restaurant, hotel, boarding house, club, or other business where food is sold for consumption may sell game birds for consumption on the premises of the business (V.A.P.C. art. 978k-1, Sec. 10.)

**Sec. 45.010. Inspections**

An authorized employee of the department may inspect the facilities and enclosures of a person licensed under this chapter at any time during normal business hours without a warrant. (V.A.P.C. Art. 978k-1, Sec. 5.)

**Sec. 45.011. Permits Required by the United States**

This chapter does not authorize any act prohibited by federal law without a permit issued by the United States, nor does the possession of a permit issued by the United States authorize any act prohibited by this chapter unless expressly provided by federal law. (V.A.P.C. Art. 978k-1, Sec. 13.)

**Sec. 45.012. Penalty**

A person who violates this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (V.A.P.C. Art. 978k-1, Sec. 12.)

**CHAPTER 46. FISHING LICENSES**

**SUBCHAPTER A. GENERAL FISHING LICENSE**

**Section**

- 46.001. Prohibited Acts.
- 46.002. Exemptions.
- 46.003. Exception for Blind.
- 46.004. License Fee.
- 46.005. Temporary Saltwater Sportfishing License.
- 46.006. Duplicate License.
- 46.007. Expiration of Licenses.
- 46.008. License Form.
- 46.009. License Deputies.
- 46.010. Duties of License Deputies.
- 46.011. Monthly Report.
- 46.012. License Books.
- 46.013. Issuance or Acceptance of License.
- 46.014. Fishing Under the License of Another.
- 46.015. Penalty.

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**SUBCHAPTER B. LAKE TEXOMA FISHING LICENSE**

- 46.101. Lake Texoma.
- 46.102. Fishing License Required.
- 46.103. Exemptions.
- 46.104. License: Period of Validity and Fee.
- 46.105. Lake Texoma 10-Day Fishing License.

**Section**

- 46.106. Form of License.
- 46.107. Disposition of Fees.
- 46.108. Division of Fees.
- 46.109. Payment by Comptroller.
- 46.110. Penalty.
- 46.111. Effective Date of Subchapter.

**CHAPTER 46. FISHING LICENSES****SUBCHAPTER A. GENERAL FISHING LICENSE****Sec. 46.001. Prohibited Acts**

Except as provided in this chapter, no person may fish in the water of this state unless he has obtained a fishing license issued under this subchapter. (V.A.C.S. Art. 4032b-1, Sec. 1 (part).)

**Sec. 46.002. Exemptions**

- (a) A license issued under this chapter is not required of a person:
  - (1) under 17 years old or 65 years old or older;
  - (2) fishing on property that he owns or on which he resides;
  - (3) fishing on property that a member of his immediate family owns or on which the family resides;
  - (4) fishing in the county of his residence with a trotline, throw line, or ordinary pole and line without a reel or other winding device;
  - (5) having a commercial fishing license of this state;
  - (6) who is a resident of the Republic of Mexico, who is traveling in this country on a visa granted by the United States, and who is fishing in coastal water; or
  - (7) who is a member of a group of 25 or more persons who are visiting as tourists and do their fishing as a group. (V.A.C.S. Art. 4032b-1, Sec. 2, 1B.)

**Sec. 46.003. Exception for Blind**

(a) A blind person, as defined by Section 1, Chapter 227, Acts of the 59th Legislature, Regular Session, 1965, is entitled to receive a special fishing license on proof of eligibility and on the payment of a fee of 25 cents, 15 cents of which may be retained as a collection fee.

(b) The department may make regulations concerning proof of eligibility under this section. (V.A.C.S. Art. 4032b-1, Sec. 2A.)

**Sec. 46.004. License fee**

The fishing license fee is \$4.25. The license deputy issuing the license may retain 25 cents as a fee for collecting the license fee and issuing the license. (V.A.C.S. Art. 4032b-1, Sec. 1 (part).)

**Sec. 46.005. Temporary Saltwater Sportfishing License**

(a) Any person is entitled to receive from the department a license allowing fishing for sporting purposes in salt water for a period of three days.

(b) The fee for the temporary saltwater sportfishing license is \$1.25, of which fee 25 cents may be retained as a collection fee. (V.A.C.S. Art. 4032b-1, Sec. 1A.)

**Sec. 46.006. Duplicate License**

(a) If a license issued under this subchapter is lost or destroyed, a license deputy may issue a duplicate license on application of the license holder and receipt of a 50-cent duplicate license fee.

(b) The application for a duplicate license must be an affidavit containing:

- (1) the facts concerning the loss or destruction of the license; and
- (2) the serial number of the lost or destroyed license.

(c) The license deputy issuing the license may retain 25 cents as a fee for issuing the duplicate license. (V.A.C.S. Art. 4032b-1, Sec. 3 (part).)

**Sec. 46.007. Expiration of Licenses**

(a) The licenses required by Section 46.001 of this code and authorized by Section 46.003 of this code are valid for a period of one year beginning on the date of issuance.

(b) A duplicate license is valid for the period of validity of the original license only. (V.A.C.S. Art. 4032b-1, Sec. 4(b).)

**Sec. 46.008. License Form**

A license issued under this subchapter must contain:

- (1) the year for which the license is issued (printed across the face of the license);
- (2) the name, address, and residence of the licensee;
- (3) an approximate weight, height, age, and color of hair and eyes of the licensee for identification in the field; and
- (4) the statement: "This license does not entitle the holder to fish on the enclosed and posted lands of another without the consent of the owner or his agent." (V.A.C.S. Art. 4032b-1, Sec. 4(a) (part).)

**Sec. 46.009. License Deputies**

Employees of the department, county clerks, and any person designated by the department to issue licenses are license deputies and may issue licenses under this subchapter. An employee of the department may not retain a collection or issuance fee. (V.A.C.S. Art. 4032b-1, Sec. 5 (part), 1 (part), 3 (part).)

**Sec. 46.010. Duties of License Deputies**

The license deputy shall:

- (1) fill out correctly and preserve for the use of the department the stubs attached to the license; and
- (2) keep a complete and correct record of all licenses issued, showing the name and residence of each licensee, the serial number of the license, and the date of issuance of the license. (V.A.C.S. Art. 4032b-1, Sec. 5 (part).)

**Sec. 46.011. Monthly Report**

(a) Within 10 days after the end of each calendar month, license deputies shall send to the department the fees due the state and a report containing:

- (1) the serial number and date of issuance of each license issued during the preceding month; and
- (2) the names and addresses of the persons to whom licenses were issued during the preceding month.

(b) The department shall credit the license deputy with the amount remitted. (V.A.C.S. Art. 4032b-1, Sec. 5 (part).)

**Sec. 46.012. License Books**

(a) When all licenses in a license book are issued, the license deputy shall return the license book to the department by the 10th day of the month following the month in which last license in the book is issued.

(b) Unissued licenses shall be returned on the request of the department. (V.A.C.S. Art. 4032b-1, Sec. 5 (part).)

**Sec. 46.013. Issuance or Acceptance of License**

No person may issue or accept a license required by this subchapter except on a form provided by the department. (V.A.C.S. Art. 4032b 1, Sec. 4(a) (part).)

**Sec. 46.014. Fishing Under the License of Another**

No person may fish under a license issued to another or allow another person to fish under a license issued to him. (V.A.C.S. Art. 4032b-1, Sec. 7.)

**Sec. 46.015. Penalty**

A person who violates a provision of this subchapter or who fails or refuses to show an officer his license on the request of the officer is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (V.A.C.S. Art. 4032b 1, Sec. 9.)

[Sections 46.016 -46.100 reserved for expansion]

**SUBCHAPTER B. LAKE TEXOMA FISHING LICENSE**

**Sec. 46.101. Lake Texoma**

This subchapter applies only to Lake Texoma, which is the portion of this state inundated by the water impounded by a dam across the channel of the Red River, known as Onison Dam, and any other portion of that area of land acquired by the United States for the operation of the reservoir. (V.A.P.C. Art. 978l 5, Sec. 1.)

**Sec. 46.102. Fishing License Required**

Except as provided in this subchapter, no person may catch fish in Lake Texoma unless he has acquired and possesses on his person a valid license issued under this subchapter. (V.A.P.C. Art. 978l-5, Sec. 2, 3 (part).)

**Sec. 46.103. Exemptions**

Residents of this state engaged in fishing within the territorial boundaries of this state are not required to obtain a license issued under this subchapter. (V.A.P.C. Art. 978l-5, Sec. 3 (part).)

**Sec. 46.104. License: Period of Validity and Fee**

(a) A Lake Texoma fishing license is valid until December 31 following its date of issuance.

(b) The fee for the license is \$2.50. Fifteen cents of the fee may be retained by the issuing officer. (V.A.P.C. Art. 978l 5, Sec. 3 (part), 4 (part).)

**Sec. 46.105. Lake Texoma 10-Day Fishing License**

(a) A Lake Texoma 10-day fishing license is valid for 10 consecutive days including the date of issuance.

(b) The fee for the license is \$1.25. Fifteen cents of the fee may be retained by the officer issuing the license. (V.A.P.C. Art. 978l-5, Sec. 3 (part), Sec. 4 (part).)

**Sec. 46.106. Form of License**

Licenses issued under this subchapter shall be on the form prescribed by the department and must contain:

- (1) the name and address of the licensee;
- (2) a personal description of the licensee;
- (3) date of issuance of the license; and
- (4) other information necessary for enforcement of this subchapter. (V.A.P.C. Art. 978l-5, Sec. 5.)

**Sec. 46.107. Disposition of Fees**

The issuing officer shall send license fees less allowable deductions collected under this subchapter to the department by the 10th day of the month following the date of receipt. (V.A.P.C. Art. 978l-5, Sec. 4 (part).)

**Sec. 46.108. Division of Fees**

The department shall keep separate and strict account of the revenue received from licenses issued under this subchapter for annual division between this state and the State of Oklahoma. The division shall be on a basis of the proportionate area of Lake Texoma lying within the territorial jurisdiction of the respective states. (V.A.P.C. Art. 978l-5, Sec. 6 (part).)

**Sec. 46.109. Payment by Comptroller**

On February 1 of each year the comptroller shall pay to the state of Oklahoma 70 percent of the revenue collected from licenses issued under this subchapter during the previous calendar year. (V.A.P.C. Art. 978l-5, Sec. 6 (part).)

**Sec. 46.110. Penalty**

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (V.A.P.C. Art. 978l-5, Sec. 8 (part).)

**Sec. 46.111. Effective Date of Subchapter**

This subchapter does not become effective until:

- (1) the State of Oklahoma makes provision for the sale of licenses in Oklahoma that are parallel to the licenses authorized by this subchapter;
- (2) the State of Oklahoma provides for payment to this state of not less than 30 percent of all revenue collected by Oklahoma for the licenses; and
- (3) the department is satisfied that this subchapter and the provisions of Oklahoma law are not in conflict and directs that this subchapter is effective. (V.A.P.C. Art. 978l-5, Sec. 7, 9.)

**CHAPTER 47. COMMERCIAL FISHING LICENSES****SUBCHAPTER A. LICENSES****Section**

- 47.001. Definitions.
- 47.002. General Commercial Fisherman's License.
- 47.003. Tidal Water Commercial Fisherman's License.
- 47.004. Fish Guide License.
- 47.005. Fish Boat License.
- 47.006. Skiff License.
- 47.007. Commercial Fishing Boat License.
- 47.008. Menhaden Boat License.
- 47.009. Wholesale Fish Dealer's License.
- 47.010. Wholesale Truck Dealer's Fish License.
- 47.011. Retail Fish Dealer's License.
- 47.012. Retail Oyster Dealer's License.
- 47.013. Retail Dealer's Truck License.
- 47.014. Bait Dealer's License.
- 47.015. Seine or Net License.
- 47.016. Menhaden Fish Plant License.
- 47.017. Renewal of Fish Plant License.
- 47.018. Interstate Transportation.

[Sections 47.019 - 47.030 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO  
COMMERCIAL FISHING LICENSES**

- 47.031. Expiration of Licenses.
- 47.032. Refusal of License.
- 47.033. Display of License.
- 47.034. Fish Size.
- 47.035. Prima Facie Evidence.
- 47.036. Venue.
- 47.037. Inspection.
- 47.038. Seines or Nets for Menhaden.

[Sections 47.039 - 47.050 reserved for expansion]

**SUBCHAPTER C. PENALTIES, DISPLAY OF LICENSE,  
AND TRANSFER OF FUNDS**

- 47.051. Penalty.
- 47.052. Penalty.
- 47.053. Penalty.
- 47.054. Refusal to Show License.
- 47.055. Disposition of Funds.

**CHAPTER 47. COMMERCIAL FISHING LICENSES****SUBCHAPTER A. LICENSES****Sec. 47.001. Definitions**

In this chapter:

- (1) "Commercial fisherman" means a person who catches fish, oysters, or other edible aquatic products from the nontidal water of this state for pay or for the purpose of sale, barter, or exchange.

(2) "Tidal water commercial fisherman" means a person who catches fish, oysters, shrimp, menhaden, or other edible aquatic products from tidal water of this state for pay or for the purpose of sale, barter, or exchange.

(3) "Wholesale fish dealer" means a person engaged in the business of buying for the purpose of selling, canning, preserving, processing, or handling for shipments or sale fish, oysters, shrimp, or other commercial edible aquatic products to retail fish dealers, hotels, restaurants, cafes, or consumers.

(4) "Retail fish dealer" means a person engaged in the business of buying for the purpose of sale to a consumer fresh or frozen edible aquatic products.

(5) "Bait dealer" means a person engaged in the business of selling minnows, fish, shrimp, or other aquatic products for fish bait.

(6) "Fish guide" means a person who operates a boat for compensation to accompany or to transport a person engaged in fishing in the water of this state.

(7) "Tidal water" means all the salt water of this state, including that portion of the state's territorial water in the Gulf of Mexico within three marine leagues from shore.

(8) "Nontidal water" means all the water of this state excluding tidal water.

(9) "Place of business" means the place where orders for aquatic products are received or where aquatic products are sold, including a vehicle if aquatic products are sold from the vehicle, but does not include a public cold-storage vault, temporary receiving station, or vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in this state.

(10) "Menhaden fish plant" means a fixed installation on land designed, equipped, and used to process fish and the by-products of fish by the application of pressure, heat, or chemicals or a combination of pressure, heat, and chemicals to raw fish to convert the raw fish into fish oil, fish solubles, fish scraps, or other products. (V.A. P.C. Art. 934a, Sec. 1 (part), Sec. 3, subdiv. 11 (part), 12; Art. 934b-2, Sec. 1(a), Sec. 1(c); Art. 934c, Sec. 6a(d).)

**Sec. 47.002. General Commercial Fisherman's License**

(a) No person may engage in business as a commercial fisherman unless he has obtained a general commercial fisherman's license.

(b) The license fee for a general commercial fisherman's license is \$10. Twenty-five cents of the fee may be retained by the issuing agent, except an employee of the department. (V.A.P.C. Art. 934a, Sec. 2 (part), 3 (part).)

**Sec. 47.003. Tidal Water Commercial Fisherman's License**

(a) No person may engage in business as a tidal water commercial fisherman unless he has obtained a tidal water commercial fisherman's license.

(b) No person may catch or assist in catching menhaden in tidal water unless he has obtained a tidal water commercial fisherman's license.

(c) The license fee for the tidal water commercial fisherman's license is \$5. Fifteen cents of the fee may be retained by the issuing agent, ex-



cept an employee of the department. (V.A.P.C. Art. 934b-2, Sec. 2 (part), 6 (part); Art. 934c, Sec. 2, 3.)

**Sec. 47.004. Fish Guide License**

(a) No person may engage in business as a fish guide unless he has obtained a fish guide license.

(b) The license fee for a fish guide license is \$25. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 10.)

**Sec. 47.005. Fish Boat License**

(a) A boat equipped with a motor of any kind or sails may not be used in nontidal water to catch fish, oysters, or other edible aquatic products for pay or for the purpose of sale, barter, or exchange unless the owner of the boat has obtained a fish boat license.

(b) The license fee for a fish boat license is \$3. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 7.)

**Sec. 47.006. Skiff License**

(a) A boat propelled by oars or poles may not be used in nontidal water to catch fish, oysters, or other edible aquatic products for pay or for the purpose of sale, barter, or exchange unless the owner of the boat has obtained a skiff license and has firmly attached the skiff license to the boat.

(b) The license fee for a skiff license is \$1. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 8.)

**Sec. 47.007. Commercial Fishing Boat License**

(a) No person may use a boat required to be numbered or registered under the laws of this state or the United States for the purpose of catching or assisting in catching fish, oysters, or any other edible aquatic life, except shrimp and menhaden, from tidal water for pay or for the purpose of sale, barter, or exchange unless the owner of the boat has obtained a commercial fishing boat license.

(b) The license fee for a commercial fishing boat license is \$6. Twenty-five cents of the fee may be retained by the issuing officer, except an employee of the department.

(c) A licensee under this section whose boat is destroyed, lost, or put to another use is not required to obtain another license if another boat is used to replace the previous one. (V.A.P.C. Art. 934b-2, Sec. 1(b), 3 (part), 6 (part), and 7.)

**Sec. 47.008. Menhaden Boat License**

(a) A boat may not be used for the purpose of catching menhaden in tidal water unless the owner of the boat has acquired a menhaden boat license.

(b) The license fee for each boat is \$200 a year. (V.A.P.C. Art. 934c, Sec. 4 (part).)

**Sec. 47.009. Wholesale Fish Dealer's License**

(a) No person may engage in business as a wholesale fish dealer unless he has obtained a wholesale fish dealer's license.

(b) The license fee for a wholesale fish dealer's license is \$250 for each place of business. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 2.)

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**Sec. 47.010. Wholesale Truck Dealer's Fish License**

The license fee for a wholesale truck dealer's fish license is \$125 for each truck. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 2a.)

**Sec. 47.011. Retail Fish Dealer's License**

(a) No person may engage in business as a retail fish dealer unless he has obtained a retail fish dealer's license.

(b) The license fee for a retail fish dealer's license is:

(1) \$6 for each place of business in a city or town of less than 7,500 population according to the last preceding federal census;

(2) \$15 for each place of business in a city or town of not less than 7,500 nor more than 40,000 population according to the last preceding federal census; and

(3) \$20 for each place of business in a city or town of more than 40,000 population according to the last preceding federal census. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 1(g), Sec. 3, subdiv. 3 (part).)

**Sec. 47.012. Retail Oyster Dealer's License**

(a) A retail fish dealer may engage in the business of buying only fresh or frozen oysters for the purpose of sale to the consumer if he obtains a retail oyster dealer's license.

(b) The license fee for a retail oyster dealer's license is \$5 for each place of business in a city or town of more than 7,500 population according to the last preceding federal census. (V.A.P.C. Art. 934a, Sec. 1(g), Sec. 3, subdiv. 3 (part).)

**Sec. 47.013. Retail Dealer's Truck License**

(a) A person may engage in the business of selling edible aquatic products from a motor vehicle to consumers only if he obtains a retail dealer's truck license.

(b) The license fee for a retail dealer's truck license is \$25 for each truck. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 3 (part).)

**Sec. 47.014. Bait Dealer's License**

(a) No person may engage in business as a bait dealer unless he has obtained a bait dealer's license.

(b) The license fee for a bait dealer's license is \$10 for each place of business. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 4.)

**Sec. 47.015. Seine or Net License**

(a) No person may use a seine or net for the purpose of catching edible aquatic life in the water of this state for pay or sale unless he has acquired a seine or net license.

(b) The license fee for a seine or net is \$1 for each 100 feet or fraction of 100 feet of the length of the seine or net.

(c) The seine or net license shall be metal and must be firmly attached to each 100 feet or fraction of 100 feet of the length of the seine or net.

(d) A seine or net license may not be issued for any seine or net that is longer than 1,800 feet or whose meshes are less than one and one-half inches from knot to knot. (V.A.P.C. Art. 934a, Sec. 2 (part), Sec. 3, subdiv. 6.)

**Sec. 47.016. Menhaden Fish Plant License**

(a) No person may operate a menhaden fish plant unless he has obtained a menhaden fish plant license.

(b) Applications for a menhaden fish plant license must be submitted on forms prescribed by the department and accompanied by a \$50 filing fee and a certified copy of an order of the commissioners court of the county in which the plant will be located containing:

(1) a description of the plant and its location; and

(2) approval of the court for the construction and operation of the plant.

(c) Decisions of the commissioners court in approving or disapproving the construction of a plant are final and may not be reviewed or appealed.

(d) A menhaden fish plant license shall be issued after a hearing and a finding by the department that the construction and operation of the plant is in the public interest. Regardless of the decision of the department, the \$50 filing fee is not refundable.

(e) Notice of the hearing must be given at least 20 days prior to the date set for the hearing to the county judge of the county in which the plant is to be constructed and to all known interested parties. (V.A.P.C. Art. 934c, Sec. 6a(a), (b) (part).)

**Sec. 47.017. Renewal of Fish Plant License**

The department shall renew a menhaden fish plant license on the application of the licensee and on the payment of a \$50 renewal fee. (V.A.P.C. Art. 934c, Sec. 6a(b) (part).)

**Sec. 47.018. Interstate Transportation**

No person may bring into this state aquatic products for the purpose of offering them for sale unless he has obtained a license issued under this subchapter. Aquatic products caught in another state may not be sold under a general commercial fisherman's license. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 11 (part).)

[Sections 47.019–47.030 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE  
TO COMMERCIAL FISHING LICENSES****Sec. 47.031. Expiration of Licenses**

(a) Except as provided in Subsections (b) and (c) of this section, all licenses issued under this chapter expire August 31 following the date of issuance.

(b) A menhaden boat license expires one year from the date of issuance.

(c) A menhaden fish plant license expires one year from the date of issuance. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 1 (part), Sec. 8 (part); Art. 934b–2, Sec. 2 (part), Sec. 3 (part); Art. 934c, Sec. 4 (part).)

**Sec. 47.032. Refusal of License**

(a) Except as provided in Subsection (b) of this section, no person owing the state any amount for a license or fee under a final judgment of a court may receive a license under this chapter until the indebtedness is satisfied by payment to the department.

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(b) Subsection (a) of this section does not apply to applicants for a tidal water commercial fisherman's license, commercial fishing boat license, menhaden boat license, or menhaden fish plant license. (V.A.P.C. Art. 934a, Sec. 7 (part).)

**Sec. 47.033. Display of License**

All licenses, except a tidal water commercial fisherman's license, commercial fishing boat license, menhaden boat license, and menhaden fish plant license, must be publicly displayed at all times in the place of business of the licensee. Licenses required for vehicles transporting aquatic products for sale must be displayed in the vehicle. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 11 (part).)

**Sec. 47.034. Fish Size**

(a) No person engaged in business as a commercial fisherman or wholesale or retail fish dealer may possess in his place of business or on a boat or vehicle for the purpose of sale those species of fish of greater or lesser length than set out in Subsection (c) of this section.

(b) No person may buy, sell, or offer for sale those species of fish of greater or lesser length than set out in Subsection (c) of this section.

(c) The maximum and minimum length of fish are as follows:

<u>Fish</u>	<u>Maximum Length</u>	<u>Minimum Length</u>
Redfish or channel bass	35 inches	14 inches
Flounder and speckled sea trout	None	12 inches
Sheephead and pompano	None	9 inches
Mackerel	None	14 inches
Gaff-topsail	None	11 inches

(d) This section does not prohibit the processing and selling of lawful fish by cutting, filleting, wrapping, freezing, or otherwise preparing the fish for market. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 13 (part).)

**Sec. 47.035. Prima Facie Evidence**

Proof of possession of any undersized or oversized fish in the place of business of any wholesale or retail fish dealer or on board any boat engaged in commercial fishing or in any commercial vehicle is prima facie evidence of possession for the purpose of sale. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 13 (part).)

**Sec. 47.036. Venue**

Venue for a suit for possession of undersized or oversized fish is in the county where the illegal fish are found in possession, where the illegal fish are sold or offered for sale, or from which the illegal fish are shipped. (V.A.P.C. Art. 934a, Sec. 3, subdiv. 13 (part).)

**Sec. 47.037. Inspection**

No person may refuse to allow an employee of the department to inspect aquatic products handled by or in the possession of any commercial fisherman, wholesale fish dealer, or retail fish dealer at any time or in any place. (V.A.P.C. Art. 934a, Sec. 4.)

**Sec. 47.038. Seines or Nets for Menhaden**

(a) Nets or purse seines used for catching menhaden may not be:

(1) less than one and one-half inch stretched mesh, excluding the bag;

(2) used in any bay, river, pass, or tributary, nor within one mile of any barrier, jetty, island, or pass, nor within one-half mile offshore in the Gulf of Mexico; or

(3) used for the purpose of taking edible aquatic products for the purpose of barter, sale, or exchange.

(b) No person lawfully catching menhaden in the tidal water of this state may sell, barter, or exchange any edible aquatic products caught in a menhaden seine or net. Possession of edible aquatic fish in excess of five percent by volume of menhaden fish in possession is a prima facie violation of this chapter. (V.A.P.C. Art. 934c, Sec. 5 (part), 6.)

[Sections 47.039–47.050 reserved for expansion]

**SUBCHAPTER C. PENALTIES, DISPLAY OF LICENSE,  
AND TRANSFER OF FUNDS**

**Sec. 47.051. Penalty**

A person who violates a provision of Section 47.002, 47.004 through 47.006, 47.009 through 47.015, 47.017, 47.032 through 47.034, or 47.037, of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 and is subject to the forfeiture, for one year from the date of the conviction, of a license held under the authority of the listed sections. (V.A.P.C. Art. 934a, Sec. 6; Acts 44th Legis., Reg.Sess., Ch. 345, Sec. 2.)

**Sec. 47.052. Penalty**

(a) A person who fails to comply with or who violates a provision of Section 47.003(a) or 47.007 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000, by confinement in jail for not less than one month nor more than one year, or by both.

(b) The department may seize boats, nets, seines, trawls, or other tackle in the possession of a person violating the sections listed in Subsection (a) of this section and hold them until after the trial of the person.

(c) Violations of the above sections may also be enjoined by the attorney general by suit filed in a district court in Travis County. (V.A.P.C. Art. 934b–2, Sec. 10.)

**Sec. 47.053. Penalty**

(a) A person who violates a provision of Section 47.003(b), 47.008, 47.016, or 47.038, of this code is guilty of a misdemeanor and on first conviction is punishable by a fine of not less than \$20 nor more than \$100. On second conviction, the violator is punishable by a fine of not less than \$50 nor more than \$500.

(b) A licensee under any of the above sections who violates any of the above sections is also subject to suspension of his license for not less than 7 days nor more than 30 days at the discretion of the department on first conviction for a violation. On second conviction, the licensee is subject to revocation of his license for six months after the date of conviction. (V.A.P.C. Art. 934c, Sec. 7.)

**Sec. 47.054. Refusal to Show License**

A person catching fish for the purpose of market or sale who refuses to show his license to an authorized employee of the department upon request is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$25. (P.C. Art. 935.)

**Sec. 47.055. Disposition of Funds**

Money received for licenses issued under this chapter or fines paid for violations of this chapter, less allowable deductions, shall be sent to the department by the 10th day of the month following receipt. (V.A.P.C. Art. 934a, Sec. 8 (part), 9 (part); Art. 934b-2, Sec. 11.)

**CHAPTER 48. FISH FARMER'S LICENSE**

**Section**

- 48.001. Definitions.
- 48.002. Fish Farmer's License Required.
- 48.003. Fish Farm Vehicle License Required.
- 48.004. Bill of Lading Required for Certain Vehicles.
- 48.005. License Fees.
- 48.006. Form and Duration of License.
- 48.007. Additional Fish Farmer's Licenses.
- 48.008. Records.
- 48.009. Harvesting and Sale of Fish.
- 48.010. Sales of Bass and Crappie Limited.
- 48.011. Federal Grants.
- 48.012. Penalties.
- 48.013. Fish Farms Protected.

**CHAPTER 48. FISH FARMER'S LICENSE**

**Sec. 48.001. Definitions**

In this chapter:

(1) "Fish farmer" means any person engaged in the business of producing, propagating, transporting, possessing, and selling fish raised in a private pond, but does not include a person engaged in the business of producing, propagating, transporting, possessing, and selling fish propagated for bait purposes.

(2) "Private pond" means a pond, reservoir, vat, or other structure capable of holding fish in confinement wholly within or on the enclosed land of an owner or lessor.

(3) "Owner" means a fish farmer licensed by the department. (V.A.P.C. Art. 978f-5b, Sec. 2.)

**Sec. 48.002. Fish Farmer's License Required**

No person may be a fish farmer without first having acquired from the department a fish farmer's license. (V.A.P.C. Art. 978f-5b, Sec. 1 (part), 3 (part).)

**Sec. 48.003. Fish Farm Vehicle License Required**

(a) Except as provided by Subsection (b) of this section, a vehicle used to transport fish from a fish farm for sale from the vehicle is required to have a fish farm vehicle license.

(b) A fish farm vehicle license is not required for a vehicle owned and operated by the holder of a fish farmer's license. (V.A.P.C. Art. 978f-5b, Sec. 3 (part).)

**Sec. 48.004. Bill of Lading Required for Certain Vehicles**

A vehicle, from which no fish sales are made, transporting fish from a fish farm shall carry a bill of lading that shows the number and species of fish carried, the name of the owner and the location and license number of the fish farm from which the fish were transported, and the destination of the cargo. (V.A.P.C. Art. 978f-5b, Sec. 3 (part).)

**Sec. 48.005. License Fees**

The department shall issue a fish farmer's license or a fish farm vehicle license on the payment of \$5 for each license. (V.A.P.C. Art. 978f-5b, Sec. 1 (part), Sec. 3 (part).)

**Sec. 48.006. Form and Duration of License**

(a) A fish farmer's license and a fish farm vehicle license must be on a numbered form provided by the department.

(b) A license is valid from September 1 or the date of issue, whichever is later, through the following August 31. (V.A.P.C. Art. 978f-5b, Sec. 1 (part), 3 (part).)

**Sec. 48.007. Additional Fish Farmer's Licenses**

A fish farmer holding a fish farmer's license may acquire additional licenses for display in or on additional premises or vehicles on payment to the department of \$1 for each additional license. (V.A.P.C. Art. 978f-5b, Sec. 3 (part).)

**Sec. 48.008. Records**

The holder of a fish farmer's license shall maintain a record of the sales and shipments of fish. The record is open for inspection by designated employees of the department. (V.A.P.C. Art. 978f-5b, Sec. 4.)

**Sec. 48.009. Harvesting and Sale of Fish**

Fish of any size from a fish farm may be harvested and sold at any time and in any county. (V.A.P.C. Art. 978f-5b, Sec. 5.)

**Sec. 48.010. Sales of Bass and Crappie Limited**

(a) Except as provided in Subsection (b) of this section, no person may sell bass or crappie from a fish farm for consumption or for resale.

(b) Bass and crappie may be sold for resale to a licensed fish farmer only, and to any person for stocking purposes.

(c) Other kinds of fish from a fish farm may be sold for any purpose. (V.A.P.C. Art. 978f-5b, Sec. 6.)

**Sec. 48.011. Federal Grants**

Federal grants for research and development of commercial fisheries may be used for individual fishery projects with the approval of the department. (V.A.P.C. Art. 978f-5b, Sec. 6A.)

**Sec. 48.012. Penalties**

Any person who violates any provision of this chapter for which a specific penalty is not provided is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (V.A.P.C. Art. 978f-5b, Sec. 8.)

**Sec. 48.013. Fish Farms Protected**

(a) No person, other than the owner or operator of a fish farm or a person with the owner's or operator's consent, may fish on or take fish from a fish farm.

(b) Except as provided in Subsection (c) of this section, a person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(c) A person who violates this section by taking fish of a value of more than \$200 is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not more than 10 years. (V.A.P.C. Art. 978j-2.)

**CHAPTER 49. FALCONRY PERMIT**

**Section**

- 49.001. Definitions.
- 49.002. Prohibited Acts.
- 49.003. Beginner's Falconer's Permit.
- 49.004. General Falconer's Permit.
- 49.005. Raptor Limit.
- 49.006. Renewal.
- 49.007. Renewal Fees.
- 49.008. Nonresident Falconer's Permit.
- 49.009. Reciprocity.
- 49.010. Hunting.
- 49.011. Sale of Raptors.
- 49.012. Property of State.
- 49.013. Transportation of Raptors.
- 49.014. Powers of Department.
- 49.015. Rare or Endangered Species.
- 49.016. Advisory Board.
- 49.017. Penalties.

**CHAPTER 49. FALCONRY PERMIT**

**Sec. 49.001. Definitions**

In this chapter:

(1) "Nonresident" means an individual, other than an alien, who has not been a resident of this state for more than six months immediately before applying for a falconry permit.

(2) "Alien" means an individual who is not a citizen of the United States and who has not declared his intention to become a citizen. (V.A.P.C. Art. 880d, Sec. 8.)

**Sec. 49.002. Prohibited Acts**

(a) Except as provided in Subsection (b) of this section, no person may take, capture, or possess, or attempt to take or capture, any native raptors unless he has obtained a permit issued under this chapter.



(b) A person may collect and hold protected species of wildlife for scientific, zoological, and propagation purposes if he holds a permit issued by the department for that purpose. (V.A.P.C. Art. 880d, Sec. 1 (part).)

**Sec. 49.003. Beginner's Falconer's Permit**

The department may issue a beginner's falconer's permit to any person who:

- (1) is at least 17 years of age;
- (2) submits an application on forms prescribed by the department;
- and
- (3) submits a \$25 original permit fee. (V.A.P.C. Art. 880d, Sec. 1(a) (part), 2(a) (part).)

**Sec. 49.004. General Falconer's Permit**

The department may issue a general falconer's permit to any person who:

- (1) is at least 20 years of age;
- (2) has at least three years of hunting experience with raptors;
- (3) submits an application on forms prescribed by the department;
- and
- (4) submits a \$35 original permit fee. (V.A.P.C. Art. 880d, Sec. 1(a) (part), 2(b) (part).)

**Sec. 49.005. Raptor Limit**

(a) The holder of a beginner's falconer's permit may possess only one raptor specimen.

(b) The holder of a general falconer's permit may take or possess not more than three native raptors.

(c) The department shall designate species of raptor. (V.A.P.C. Art. 880d, Sec. 1(b), (c).)

**Sec. 49.006. Renewal**

(a) The beginner's falconer's permit and general falconer's permit expire August 31 following the date of issuance.

(b) Application for renewal must be accompanied by the renewal fee and a report prescribed by the department accounting for all activities during the license year. (V.A.P.C. Art. 880d, Sec. 2(a) (part), (b) (part), (c).)

**Sec. 49.007. Renewal Fees**

The renewal fee for the beginner's falconer's permit and the general falconer's permit is \$5. (V.A.P.C. Art. 880d, Sec. 2(a) (part), (b) (part).)

**Sec. 49.008. Nonresident Falconer's Permit**

(a) A nonresident falconer's permit may be issued by the department to a nonresident or alien entitled to a nonresident hunting license.

(b) An applicant for a nonresident falconer's permit must submit an application on forms prescribed by the department and a \$5 permit fee.

(c) The permit is valid for five consecutive days.

(d) The holder of this permit may hunt with the aid of a validly held raptor. (V.A.P.C. Art. 880d, Sec. 3 (part).)

**Sec. 49.009. Reciprocity**

A person holding raptors under a valid license issued by another state and establishing permanent residence in this state must apply to the department within 10 days for a falconer's permit from this state. (V.A.P.C. Art. 880d, Sec. 7.)

**Sec. 49.010. Hunting**

The holder of a valid permit issued under this chapter and a valid hunting license may hunt native species of wild birds, wild animals, and migratory game birds during the open season and may hunt unprotected species of wildlife. (V.A.P.C. Art. 880d, Sec. 3 (part).)

**Sec. 49.011. Sale of Raptors**

No person may buy, sell, barter, or exchange, or offer to buy, sell, barter, or exchange, a raptor in this state. (V.A.P.C. Art. 880d, Sec. 4.)

**Sec. 49.012. Property of State**

All raptors captured, taken, or held in this state remain the property of the people of the state except as provided in this chapter. (V.A.P.C. Art. 880d, Sec. 5 (part).)

**Sec. 49.013. Transportation of Raptors**

The department may issue a special permit to transport raptors out of the state on application of a permittee holding raptors who is permanently leaving the state. (V.A.P.C. Art. 880d, Sec. 5 (part).)

**Sec. 49.014. Powers of Department**

The department may:

- (1) prescribe reasonable rules and regulations for taking and possessing raptors, time and area from which raptors may be taken, and species that may be taken;
  - (2) provide standards for possessing and housing raptors held under a permit;
  - (3) prescribe annual reporting requirements and procedures; and
  - (4) prescribe eligibility requirements for any falconry permit.
- (V.A.P.C. Art. 880d, Sec. 6(a).)

**Sec. 49.015. Rare or Endangered Species**

The department shall insure that the taking and possessing for falconry purposes of raptors classified as rare or endangered by the United States Bureau of Sports, Fisheries, and Wildlife is restricted to competent and experienced individuals and to numbers consistent with good management practices and the current population status of the individual species or subspecies involved. (V.A.P.C. Art. 880d, Sec. 6(b).)

**Sec. 49.016. Advisory Board**

(a) The department shall establish an advisory board consisting of three mature and experienced falconers.

(b) Members of the advisory board shall be selected by the department from nominees submitted by the Texas Hawking Association, the North American Falconers Association, or any unaffiliated resident falconers.

(c) The advisory board shall advise the department on the development and implementation of the rules and regulations issued under this chapter. (V.A.P.C. Art. 880d, Sec. 6(c).)

**Sec. 49.017. Penalties**

A person who violates a provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 for each violation. (V.A.P.C. Art. 880d, Sec. 9.)

**CHAPTER 50. COMBINATION HUNTING AND  
FISHING LICENSE**

**Section**

50.001. Combination License Authorized.

50.002. License Fee.

50.003. Other Licenses Not Required.

50.004. Form; Duplicate License.

50.005. Holder Shall Comply With Other Law.

**CHAPTER 50. COMBINATION HUNTING AND  
FISHING LICENSE**

**Sec. 50.001. Combination License Authorized**

The department may issue to residents of this state a combination hunting and fishing license. (V.A.P.C. Art. 895c-1, Sec. 1.)

**Sec. 50.002. License Fee**

The fee for the combination license is \$8.75. Authorized agents of the department, other than employees of the department, may retain 25 cents of the fee as a collection fee. (V.A.P.C. Art. 895c-1, Sec. 2.)

**Sec. 50.003. Other Licenses Not Required**

A resident who has acquired a combination hunting and fishing license is not required to obtain the hunting license required by Chapter 42 of this code or the fishing license required by Chapter 46 of this code (V.A.P.C. Art. 895c-1, Sec. 3.)

**Sec. 50.004. Form; Duplicate License**

(a) The department shall prescribe the form of the license and shall attach to it deer tags as provided in Chapter 42 of this code.

(b) Duplicate licenses may be issued for the same fee and in the same manner as hunting licenses under Chapter 42 of this code. (V.A.P.C. Art. 895c-1, Sec. 4.)

**Sec. 50.005. Holder Shall Comply With Other Law**

A holder of a combination hunting and fishing license shall comply with and is subject to the penalties in Chapters 42 and 46 of this code, unless those requirements or penalties conflict with this chapter. (V.A.P.C. Art. 895c-1, Sec. 5.)

**CHAPTER 51. SHELLFISH CULTURE LICENSE**

**Section**

- 51.001. Definitions.
- 51.002. License Required.
- 51.003. License for Each Premises.
- 51.004. Issuance of License; Period of Validity.
- 51.005. License Fee.
- 51.006. Shipments of Shellfish.
- 51.007. Records.
- 51.008. Harvest and Sale of Shellfish.
- 51.009. Exotic Shellfish Permit Required.
- 51.010. Permits for Taking Brood Stock.
- 51.011. Penalty.

**CHAPTER 51. SHELLFISH CULTURE LICENSE**

**Sec. 51.001. Definitions**

In this chapter:

(1) "Shellfish culture" means the business of producing, propagating, transporting, selling, or possessing for sale shellfish raised in private ponds or reservoirs in this state.

(2) "Shellfish" means aquatic species of crustaceans and mollusks, including oysters, clams, shrimp, prawns, crabs, and crayfish of all varieties.

(3) "Private pond" means a pond, reservoir, vat, or other structure capable of holding shellfish in confinement wholly within or on privately owned enclosed land.

(4) "Exotic shellfish" means shellfish imported alive into this state for shellfish culture purposes, but does not include shellfish taken from the high seas adjacent to the Texas coast. (V.A.P.C. Art. 962b, Sec. 2.)

**Sec. 51.002. License Required**

No person may engage in shellfish culture in this state unless he has first acquired a shellfish culture license. (V.A.P.C. Art. 962b, Sec. 1 (part), 3 (part).)

**Sec. 51.003. License for Each Premises**

A separate license is required for each tract of land on which a private pond is used for shellfish culture. (V.A.P.C. Art. 962b, Sec. 3 (part).)

**Sec. 51.004. Issuance of License; Period of Validity**

(a) The department shall issue the shellfish culture license, and each license shall be numbered on a form provided by the department.

(b) A license is valid during the license year for which it is issued. The license year begins September 1 and extends through August 31 of the following year. (V.A.P.C. Art. 962b, Sec. 1 (part), 3 (part).)

**Sec. 51.005. License Fee**

The fee for a shellfish culture license is \$25. (V.A.P.C. Art. 962b, Sec. 3 (part).)

**Sec. 51.006. Shipments of Shellfish**

Vehicles transporting shellfish to or from a licensed facility shall carry a bill of lading showing:

- (1) the name, location, and license number of the shellfish culturist;
- (2) the quantity and species of shellfish; and
- (3) the source and destination of the shellfish. (V.A.P.C. Art. 962b, Sec. 3 (part).)

**Sec. 51.007. Records**

(a) The holder of a shellfish culture license shall make and keep records showing purchases, sales, and shipments of shellfish.

(b) The records are open to inspection by authorized employees of the department. (V.A.P.C. Art. 962b, Sec. 4.)

**Sec. 51.008. Harvest and Sale of Shellfish**

(a) Shellfish produced by a shellfish culturist may be harvested by any means and may be of any size.

(b) Subject to health regulations, shellfish produced by a shellfish culturist may be sold any time and in any county to any person. (V.A.P.C. Art. 962b, Sec. 5.)

**Sec. 51.009. Exotic Shellfish Permit Required**

(a) No person may import, possess, propagate, or transport exotic shellfish unless he has acquired a permit from the department.

(b) The department may not issue a permit to any shellfish culturist for exotic shellfish unless the applicant furnishes sufficient evidence showing that the shellfish are free of disease. (V.A.P.C. Art. 962b, Sec. 6, 7.)

**Sec. 51.010. Permits for Taking Brood Stock**

(a) The department may issue permits to shellfish culturist, or their agents authorizing the taking of a reasonable quantity of shellfish brood stock during a closed season, in closed public waters, or of any size.

(b) The permits shall show:

- (1) the name, address, and license number of the shellfish culturist;
- (2) the period of time during which brood fish may be taken;
- (3) the place where taking is allowed;
- (4) the species and number of shellfish to be taken; and
- (5) the method of taking. (V.A.P.C. Art. 962b, Sec. 8.)

**Sec. 51.011. Penalty**

A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 962b, Sec. 11.)

**SUBTITLE B. HUNTING AND FISHING****CHAPTER 61. UNIFORM WILDLIFE REGULATORY ACT****SUBCHAPTER A. GENERAL PROVISIONS****Section**

- 61.001. Title.
- 61.002. Purpose.
- 61.003. Applicability of Chapter.
- 61.004. Applicability of Additional Counties.
- 61.005. Definitions.

[Sections 61.006–61.020 reserved for expansion]

**SUBCHAPTER B. PROHIBITED ACTS**

- 61.021. Taking Wildlife Resources Prohibited.
- 61.022. Taking Wildlife Resources Without Consent of Landowner Prohibited.

[Sections 61.023–61.050 reserved for expansion]

**SUBCHAPTER C. REGULATORY DUTIES**

- 61.051. Duty to Investigate and Study Wildlife Resources.
- 61.052. General Regulatory Duty.
- 61.053. Open Seasons.
- 61.054. Proclamations of the Commission.
- 61.055. Amendments and Revocations.
- 61.056. Proclamations Concerning Certain Deer, Antelope, and Elk.
- 61.057. Antlerless Deer, Antelope, and Elk Permits.

[Sections 61.058–61.100 reserved for expansion]

**SUBCHAPTER D. ADMINISTRATIVE PROCEDURES**

- 61.101. County Hearing on Proclamation.
- 61.102. Notice on County Hearing.
- 61.103. Adoption of Proclamations.
- 61.104. Effective Date and Duration of Proclamations.
- 61.105. Copies of Proclamations.
- 61.106. Judicial Review of Proclamation.

[Sections 61.107–61.200 reserved for expansion]

**SUBCHAPTER E. PROVISIONS AFFECTING LIMITED AREAS**

- 61.201. Lake Tawakoni.
- 61.202. Approval of Certain County Commissioners Courts.
- 61.203. Trotlines and Crab Traps in Aransas County.
- 61.204. Limitations in Trans-Pecos Counties.
- 61.205. Deer in Dimmit, Uvalde, and Zavala Counties.
- 61.206. Storage and Processing of Deer in Lampasas County.
- 61.207. Trailing Deer With Dogs in Panola County.
- 61.208. Special Archery Season for Certain Tract.

[Sections 61.209–61.900 reserved for expansion]

**SUBCHAPTER F. PENALTIES**

- 61.901. Penalties.

## SUBTITLE B. HUNTING AND FISHING

## CHAPTER 61. UNIFORM WILDLIFE REGULATORY ACT

## SUBCHAPTER A. GENERAL PROVISIONS

**Sec. 61.001. Title**

This chapter may be cited as the Uniform Wildlife Regulatory Act. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**Sec. 61.002. Purpose**

The purpose of this chapter is to provide a method for the conservation of an ample supply of wildlife resources in the places covered by this chapter to insure reasonable and equitable enjoyment of the privileges of ownership and pursuit of wildlife resources. This chapter provides a flexible law to enable the commission to deal effectively with changing conditions to prevent depletion and waste of wildlife resources. (V.A.P.C. Art. 978j-1, Sec. 2 (part).)

**Sec. 61.003. Applicability of Chapter**

Title 7 of this code prescribes the counties, places, and wildlife resources to which this chapter applies. (New.)

**Sec. 61.004. Applicability of Additional Counties**

A law making this chapter applicable to all or a portion of the wildlife resources of a county or place repeals any provision of general or special law regulating the taking of those wildlife resources when the commission's proclamation relating to those wildlife resources in the county or place takes effect. (V.A.P.C. Art. 978j-1, Sec. 18.)

**Sec. 61.005. Definitions**

In this chapter:

(1) "Hunt" includes take, kill, pursue, trap, and the attempt to take, kill, or trap.

(2) "Wildlife resources" means all game animals, game birds, furbearing animals, alligators, marine animals, fish, and other aquatic life.

(3) "Depletion" means the reduction of a species below its immediate recuperative potential by any deleterious cause.

(4) "Waste" means a supply of a species or one sex of a species in sufficient numbers that a seasonal harvest will aid in the reestablishment of a normal number of the species. (V.A.P.C. Art. 978j-1, Sec. 3, subsec. a, b, c (part).)

(5) "Daily bag limit" means the quantity of a species of game that may be taken in one day. (New.)

(6) "Possession limit" means the maximum number of a species of game that may be possessed at one time. (New.)

[Sections 61.006-61.020 reserved for expansion]

**SUBCHAPTER B. PROHIBITED ACTS**

**Sec. 61.021. Taking Wildlife Resources Prohibited**

Except as permitted under a proclamation issued by the commission under this chapter, no person may hunt or possess a game bird, game animal, or fur-bearing animal, or catch a fish, marine animal, or other aquatic life at any time or in any place covered by this chapter. (V.A.P.C. Art. 978j-1, Sec. 2 (part).)

**Sec. 61.022. Taking Wildlife Resources Without Consent of Landowner Prohibited**

No person may hunt or possess a game animal, game bird, or fur-bearing animal, or catch a fish, marine animal, or other aquatic life at any time and at any place covered by this chapter unless the owner of the land or water, or the owner's agent, consents. (V.A.P.C. Art. 978j-1, Sec. 2 (part).)

[Sections 61.023–61.050 reserved for expansion]

**SUBCHAPTER C. REGULATORY DUTIES**

**Sec. 61.051. Duty to Investigate and Study Wildlife Resources**

(a) The department shall conduct scientific studies and investigations of all species of wildlife resources to determine:

- (1) supply;
- (2) economic value;
- (3) environments;
- (4) breeding habits;
- (5) sex ratios;
- (6) effects of hunting, trapping, fishing, disease, infestation, predation, agricultural pressure, and overpopulation; and
- (7) any other factors or conditions causing increases or decreases in supply.

(b) The studies and investigations may be made periodically or continuously.

(c) The commission shall make findings of fact based on the studies and investigations of the department. (V.A.P.C. Art. 978j-1, Sec. 4 (part).)

**Sec. 61.052. General Regulatory Duty**

(a) The commission shall regulate the periods of time when it is lawful to take wildlife resources in the places covered by this chapter.

(b) The commission shall regulate the means, methods, manners, and places in which it is lawful to take wildlife resources in the places covered by this chapter. (V.A.P.C. Art. 978j-1, Sec. 2 (part).)

**Sec. 61.053. Open Seasons**

The commission shall provide open seasons for the taking of wildlife resources if its investigations and findings of fact reveal that open seasons may be safely provided or if the threat of waste requires an open season to conserve wildlife resources. (V.A.P.C. Art. 978j-1, Sec. 4 (part).)



**Sec. 61.054. Proclamations of the Commission**

(a) Regulation of the taking of wildlife resources under this chapter shall be by proclamation of the commission.

(b) A proclamation of the commission authorizing the taking of wildlife resources must specify:

(1) the species, quantity, age or size, and, to the extent possible, the sex of the wildlife resources authorized to be taken;

(2) the means or method that may be used to take the wildlife resources; and

(3) the region, county, area, or portion of a county where the wildlife resources may be taken. (V.A.P.C. Art. 978j-1, Sec. 4 (part).)

**Sec. 61.055. Amendments and Revocations**

(a) If the commission finds that there is a danger of depletion or waste, it shall amend or revoke its proclamations to prevent the depletion or waste and to provide to the people the most equitable and reasonable privilege to pursue, take, and kill wildlife resources.

(b) The commission may amend or revoke its proclamations at any time it finds the facts warrant a change. (V.A.P.C. Art. 978j-1, Sec. 5 (part), 12 (part).)

**Sec. 61.056. Proclamations Concerning Certain Deer, Antelope, and Elk**

A proclamation of the commission authorizing the taking of antlerless deer, antelope, and elk is not effective for a specific tract of land unless the owner or other person in charge of the land agrees in writing to the removal and to the number of antlerless deer, antelope, or elk authorized to be taken. (V.A.P.C. Art. 978j-1, Sec. 6 (part).)

**Sec. 61.057. Antlerless Deer, Antelope, and Elk Permits**

(a) Except as provided in Subsection (c) of this section, no person may hunt an antlerless deer, antelope, or elk without first having acquired an antlerless deer, antelope, or elk permit issued by the department on a form provided by the department.

(b) The permit may be distributed by the department or by the owner or other person in charge of a tract of land where hunting is authorized and which is subject to an agreement under Section 61.056 of this code. An owner or other person in charge of land may distribute permits only for the land he owns or is in charge of.

(c) When conditions warrant, the commission may allow hunting of antlerless deer, antelope, or elk without a permit. The proclamation allowing hunting without a permit must be specific as to the county or portion of a county to which it applies.

(d) No person may sell or trade a permit authorized by this section for anything of value. (V.A.P.C. Art. 978j-1, Sec. 6 (part).)

[Sections 61.058-61.100 reserved for expansion]

**SUBCHAPTER D. ADMINISTRATIVE PROCEDURES****Sec. 61.101. County Hearing on Proclamation**

(a) Before a proclamation of the commission may be adopted, the department shall hold a public hearing in the county to be affected by the proclamation.

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(b) The hearing may be conducted by a member of the commission or by any designated employee of the department. This subsection does not require the presence of a member at any county hearing. (V.A.P.C. Art. 978j-1, Sec. 7 (part).)

**Sec. 61.102. Notice on County Hearing**

Notice of the hearing must be given in a newspaper published in the county at least 10 days before the date of the hearing. If no newspaper is published in the county, the notice must be given in a newspaper published in an adjoining county and having wide circulation in the county in which the hearing is to be held. (V.A.P.C. Art. 978j-1, Sec. 7 (part).)

**Sec. 61.103. Adoption of Proclamations**

(a) A proclamation under this chapter must be adopted by a quorum of the commission at a meeting of the commission held in the commission's office in Austin.

(b) A proclamation may be adopted at any special or regular meeting of the commission, for which the date and time are designated by the commission.

(c) Any person interested in a proclamation is entitled to be heard at the meeting and may introduce evidence on the imminence of depletion or waste.

(d) For the purpose of adopting a proclamation under this chapter, a quorum of the commission is four members. (V.A.P.C. Art. 978j-1, Sec. 8.)

**Sec. 61.104. Effective Date and Duration of Proclamations**

(a) Except as provided in Subsection (b) of this section, a proclamation takes effect at the time determined by the commission. The time designated by the commission may not be earlier than 15 days after the day the proclamation is adopted by the commission.

(b) If the commission finds that there is an immediate danger of depletion in any area as to a species, the commission may declare a state of emergency, and a proclamation issued under the state of emergency takes effect on issuance.

(c) A proclamation of the commission continues in effect until it expires by its own terms or until it is amended or repealed. (V.A.P.C. Art. 978j-1, Sec. 5, 9 (part).)

**Sec. 61.105. Copies of Proclamations**

On the adoption of a proclamation, a copy shall be numbered and filed in the office of the commission in Austin. A copy shall be filed with the secretary of state. A copy shall be sent to each county clerk for filing and to each county attorney of a county affected by the proclamation. A mimeographed copy shall be furnished to each employee of the department. (V.A.P.C. Art. 978j 1, Sec. 10.)

**Sec. 61.106. Judicial Review of Proclamation**

(a) The venue for any suit challenging the validity of a proclamation of the commission under this chapter is in Travis County.

(b) The party complaining of a proclamation has the burden of proof to show invalidity. (V.A.P.C. Art. 978j-1, Sec. 12 (part).)

[Sections 61.107-61.200 reserved for expansion]

**SUBCHAPTER E. PROVISIONS AFFECTING LIMITED AREAS****Sec. 61.201. Lake Tawakoni**

The commission's regulations for Lake Tawakoni shall be uniform for the entire lake. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. a.)

**Sec. 61.202. Approval of Certain County Commissioners Courts**

(a) No proclamation of the commission is effective in a county listed in Subsection (e) of this section unless it has been approved by the commissioners court of the county.

(b) The commissioners court of a county listed in Subsection (e) of this section shall approve or disapprove a proclamation, in whole or in part, at the first regular meeting occurring more than five days after it receives notification of the adoption of a proclamation affecting the county.

(c) If the commissioners court approves the proclamation, it takes effect at the time the commission has designated or immediately on its approval, whichever is later.

(d) If the commissioners court disapproves a proclamation, the taking of wildlife resources in the county is governed by the previous year's proclamation. After disapproval of a proclamation, no public hearing on a similar proposed proclamation may be held within six months of the disapproval, unless the commissioners court certifies to the commission that there has occurred a material change in the surrounding circumstances which requires a public hearing before the end of the six-month period.

(e) This section applies only to Bandera, Coke, Crockett, Dimmit, Edwards, Grayson, Frio, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, Robertson, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala counties. This section applies to Lamb County for setting the open season on quail only. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. b.)

**Sec. 61.203. Trotlines and Crab Traps in Aransas County**

(a) The commission shall regulate the use of trotlines and crab traps outside the net-free zone in Aransas County to protect persons engaged in fishing, boating, and other water sports.

(b) The regulations may require spacing and marking of trotlines and crab traps and may authorize the seizure of abandoned trotlines and traps.

(c) The regulations under this section shall be adopted in the same manner as other regulations under this chapter. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. e.)

**Sec. 61.204. Limitations in Trans-Pecos Counties**

(a) The proclamations of the commission for Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties shall conform to the limitations prescribed in this section.

(b) An open season for black bear must be within the period of November 1 to December 31, and no person may kill or possess more than one black bear during a season.

(c) An open season for wild gray or cat and fox squirrel must be within the period of May 1 to December 31. The daily bag limit for wild gray

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or cat and fox squirrel may not be more than 10, and the possession limit may not be more than 20 at a time.

(d) An open season for wild turkey must be within the period of November 1 to December 31, and no person may kill or possess more than three wild turkey during a season.

(e) An open season for wild mourning dove must be within the period of September 1 to January 15. The daily bag limit for wild mourning dove may not be more than 15, and the possession limit may not be more than 30 at a time.

(f) An open season for chachalaca must be within the period of December 1 to December 31 and may not be for a period longer than 10 days. The daily bag limit for chachalaca may not be more than five, and the possession limit may not be more than five at a time.

(g) An open season for rails and gallinules must be within the period of September 1 to October 31. The daily bag limit for rails may not be more than 15, and the daily bag limit for gallinules may not be more than 15. The commission shall also prescribe an aggregate daily bag limit for rails and gallinules of not more than 15. The possession limit for rails or for gallinules and for rails and gallinules together may not be more than 30 at a time.

(h) An open season for wild plover must be within the period of September 1 to October 31. The daily bag limit for wild plover may not be more than 12, and the possession limit may not be more than 12 at a time.

(i) An open season for prairie chicken must be within the period of September 1 to October 31 and may not be for a period longer than 10 days. The daily bag limit for prairie chicken may not be more than 10, and the possession limit may not be more than 10 at a time.

(j) An open season for the taking, trapping, or selling of pelts of beaver, otter, fox, opossum, raccoon, mink, polecat or skunk, badger, muskrat, civet cat, or ringtail must be within the period of December 1 to March 1. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. f.)

**Sec. 61.205. Deer in Dimmit, Uvalde, and Zavala Counties**

(a) The commission shall maintain in Dimmit, Uvalde, and Zavala counties a deer herd and breeding stock of productive excellence that will assure harvest of buck deer of the size and quality for which these counties are noted.

(b) When investigations and findings of fact disclose that there is a danger of losing quality deer because of waste, depletion, or other controllable factors, the commission shall regulate the season, harvest limits, and the type, size, and sex of deer to maintain and recover the standard of excellence. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. g.)

**Sec. 61.206. Storage and Processing of Deer in Lampasas County**

(a) The commission may regulate the making and maintenance of records by a bailee for hire accepting deer for storage or for processing. This section applies to Lampasas County only.

(b) A bailee for hire shall record the name and address of each bailor of deer, the date of the bailment, the name and address of every person who removes deer from storage (if processing is not done by the bailee), and the date of removal of the unprocessed deer. If the bailee processes the deer, he shall remove the deer tag, if any, at the time of processing. The records required by this section may be entered in the usual and cus-

tomary books of account, or in a simple journal if no other records are maintained by the bailee.

(c) The records required by this section and the tags removed from processed deer shall be kept for at least four months after the record is made or the tag removed. After the four-month period, the bailee may destroy the records and tags.

(d) An authorized representative of the commission may inspect deer held for storage and deer tags held by the bailee during normal business hours and without causing undue interference of the bailee's business. A bailee for hire shall give to an authorized representative of the commission any deer tag held by the bailee, the name and address of any person removing deer from storage, and the date of any removal if the authorized representative makes a request for the tag or information during the four-month period after a bailment and the delivery of a proper receipt for the bailment. A bailee who complies with a proper request by giving a deer tag or information to an authorized representative is not liable to any person damaged as a result of compliance.

(e) Regulations of the commission under this section may not require a more onerous standard of conduct or duty than the minimum requirements of this section. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. h.)

#### **Sec. 61.207. Trailing Deer With Dogs in Panola County**

The commission may regulate or prohibit the hunting and trailing of buck deer on any tract of 10,000 or more contiguous acres of land in Panola County which is designated as a preserve for restocking deer under the regulations of the commission and the Department of Interior of the United States and by state and federal law. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. i (part).)

#### **Sec. 61.208. Special Archery Season for Certain Tract**

(a) This section applies only to the tract of land described by Section 1, Chapter 646, Acts of the 59th Legislature, Regular Session, 1965.

(b) The commission shall:

(1) provide an archery season for the taking of buck and doe deer from October 1 through October 31; and

(2) require a special nonresident hunting license for the taking of deer and javelina by bow and arrow during the archery season required by this section.

(c) The nonresident hunting license fee is \$5 and the license is valid for five days only.

(d) It is lawful to:

(1) hunt javelina with bow and arrow of legal specifications at any time;

(2) hunt javelina with firearms during the archery season for deer; and

(3) hunt deer of either sex during the archery season.

(e) No person may use a crossbow at any time. (V.A.P.C. Art. 978j-1, Sec. 13, subsec. o, as added by Acts 62nd Legis., Reg. Sess., Ch. 160, Sec. 2.)

[Sections 61.209-61.900 reserved for expansion]

**SUBCHAPTER F. PENALTIES**

**Sec. 61.901. Penalties**

(a) A person who violates any provision of this chapter or any proclamation or regulation of the commission issued under the authority of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each game animal, game bird, fur-bearing animal, or fish taken in violation of this chapter or of a proclamation or regulation of the commission constitutes a separate offense.

(b) A person who violates a proclamation or regulation of the commission by the use of artificial lights in Hardin, Jasper, Newton, Orange, or Tyler counties is guilty of a misdemeanor and on conviction is punishable by confinement in jail for not less than 3 nor more than 90 days, or by a fine of not less than \$50 nor more than \$200, or by both. (V.A.P.C. Art. 978j-1, Sec. 14, 14A.)

**CHAPTER 62. PROVISIONS GENERALLY APPLICABLE  
TO HUNTING**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section**

- 62.001. Definitions.
- 62.002. Hunting With Certain Weapons.
- 62.003. Hunting From Vehicles.
- 62.004. Hunting at Night.
- 62.005. Hunting With Light.
- 62.006. Hunting for Hire.
- 62.007. Stopping for Search.
- 62.008. Prima Facie Evidence.
- 62.009. Purchase for Evidence.
- 62.010. Exceeding Bag Limits, Hunting During Closed Season, Etc.;  
Penalty.

[Sections 62.011–62.020 reserved for expansion]

**SUBCHAPTER B. SALE, TRANSPORTATION, AND  
STORAGE OF GAME**

- 62.021. Sale or Purchase of Game.
- 62.022. Sale or Purchase of Certain Game.
- 62.023. Sale by Taxidermist.
- 62.024. Importation of Game.
- 62.025. Importation of Game.
- 62.026. Importation of Protected Wildlife From Mexico.
- 62.027. Affidavit for Transporting Specimens.
- 62.028. Failure to Obtain Affidavit.
- 62.029. Records of Game in Storage.
- 62.030. Possession of Game in Storage.

[Sections 62.031–62.050 reserved for expansion]

**SUBCHAPTER C. ARCHERY SEASON****Section**

- 62.051. Application of Subchapter.
- 62.052. Definition.
- 62.053. Archery Season.
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[Sections 62.057–62.060 reserved for expansion]

**SUBCHAPTER D. HUNTING IN STATE PARKS**

- 62.061. Prohibited Acts.
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- 62.063. Regulatory Authority.
- 62.064. Fee for Hunting.
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- 62.067. General Hunting License.
- 62.068. Arrest.
- 62.069. Penalty.

[Sections 62.070–62.080 reserved for expansion]

**SUBCHAPTER E. WEAPONS ON LOWER COLORADO RIVER  
AUTHORITY LAND**

- 62.081. Weapons Prohibited.
- 62.082. Target Ranges.
- 62.083. Approved Instructor and Range Records.
- 62.084. Penalty.

**CHAPTER 62. PROVISIONS GENERALLY APPLICABLE  
TO HUNTING****SUBCHAPTER A. GENERAL PROVISIONS****Sec. 62.001. Definitions**

For the purpose of enforcement of the game laws of this state:

- (1) "Closed season" means the period of time during which it is unlawful to hunt a game animal, wild fowl, or bird.
- (2) "Open season" means the period of time during which it is lawful to hunt a specified animal, game animal, wild fowl, or bird. (P.C. Art. 882.)

**Sec. 62.002. Hunting With Certain Weapons**

(a) No person may use a .22 caliber jetgun, rocketgun, or firearm that uses rimfire ammunition in hunting wild deer, wild elk, wild antelope, wild Aoudad sheep, or wild desert bighorn sheep.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each animal hunted in violation of this section constitutes a separate offense. (V.A.P.C. Art. 879h–6.)

**Sec. 62.003. Hunting From Vehicles**

(a) Except as provided in Subsection (b) of this section, no person may hunt from any type of aircraft or airborne device, motor vehicle, powerboat, or sailboat, or from any floating device towed by powerboat or sailboat any wild game bird, wild game fowl, or wild game animal protected by this code.

(b) Game animals and game birds not classified as migratory may be hunted from a motor vehicle within the boundaries of private property by a person who is legally on the property for the purpose of hunting if no attempt is made to hunt any wild game bird, wild game fowl, or wild game animal on any part of the road system of this state.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 901.)

**Sec. 62.004. Hunting at Night**

(a) No person may hunt any wild bird, wild game bird, wild fowl, or wild game animal protected by this code at any season of the year between one-half hour after sunset and one-half hour before sunrise.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. Each bird or animal killed in violation of this section constitutes a separate offense. (P.C. Art. 887.)

**Sec. 62.005. Hunting With Light**

(a) No person may hunt an animal or bird protected by this code with the aid of a headlight, hunting lamp, or other artificial light, including an artificial light attached to a motor vehicle.

(b) The possession of a headlight or hunting lamp used on or about the head when hunting at night between sunset and one-half hour before sunrise by a person hunting in an area where deer are known to range constitutes prima facie evidence that the person was violating this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$50, by confinement in the county jail for not less than 30 days nor more than 90 days, or by both. (P.C. Art. 902.)

**Sec. 62.006. Hunting for Hire**

(a) No person may employ another person or be employed by another person for compensation or promise of compensation to hunt any bird, wild fowl, or game animal protected by this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(c) If a person testifies against another person who employed him in violation of this section, all prosecutions against him in the case in which he testifies shall be dismissed. (P.C. Art. 900.)

**Sec. 62.007. Stopping for Search**

(a) An authorized employee of the department may search the game bag, receptacle, automobile, or other vehicle if he has reason to believe that the bag, receptacle, automobile, or vehicle contains game unlawfully killed or taken.



(b) A person who refuses to allow a search or refuses to stop a vehicle when requested to do so by an authorized employee is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 897 (part); Art. 923d.)

**Sec. 62.008. Prima Facie Evidence**

Except as provided in Subchapter B of this chapter, possession of a wild game bird, wild game animal, or other species of protected wildlife, whether dead or alive, during a time when the hunting of the animal, bird, or species is prohibited is prima facie evidence of the guilt of the person in possession. (P.C. Art. 907 (part).)

**Sec. 62.009. Purchase for Evidence**

A person who, for the purpose of establishing testimony, purchases a game bird or animal whose sale is prohibited by this code, is immune from prosecution for the purchase. A conviction for the unlawful sale of game may be sustained on the uncorroborated testimony of the purchaser. (P.C. Art. 885 (part); Art. 923e.)

**Sec. 62.010. Exceeding Bag Limits, Hunting During Closed Season, Etc.; Penalty**

(a) No person may kill or take more than the daily, weekly, or seasonal bag limits for game birds or animals as set out in this code.

(b) No person may hunt any game bird or animal at any time of the year other than during the open season provided by this code.

(c) No person may kill, take, capture, wound, or shoot at any game bird or animal for which no open season is set out by this code.

(d) No person may possess an illegally killed game bird or animal.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each game bird or animal taken or possessed in violation of this section constitutes a separate offense. (P.C. Art. 873.)

[Sections 62.011–62.020 reserved for expansion]

**SUBCHAPTER B. SALE, TRANSPORTATION, AND  
STORAGE OF GAME**

**Sec. 62.021. Sale or Purchase of Game**

(a) No person may sell, offer for sale, purchase, offer to purchase, or possess after purchase a wild bird, wild game bird, or wild game animal, dead or alive, or part of the bird or animal except deer hides and antlers.

(b) This section applies only to a bird or animal protected by this code without regard to whether the bird or animal is taken or killed in this state.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (P.C. Art. 884 (part); Art. 885 (part); Art. 907 (part).)

**Sec. 62.022. Sale or Purchase of Certain Game**

(a) No person may sell, offer for sale, or possess after purchase a wild deer, wild antelope, or Rocky Mountain sheep killed in this state; or the carcass, hide, or antlers of wild antelope or Rocky Mountain sheep; or the carcass of wild deer, excluding wild deer hides and antlers.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 923h (part).)

**Sec. 62.023. Sale by Taxidermist**

(a) If the owner of heads or hides that have been mounted or tanned has not claimed them within 90 days after notification by a taxidermist or tanner, the taxidermist or tanner may sell the head or hides for the amount due for labor performed.

(b) Heads or hides sold under this section must have attached the original transportation affidavit required under this subchapter.

(c) A taxidermist or tanner selling heads or hides under this section shall report immediately the sale to the department. The report must include the name of the person purchasing the head or hides and a copy of the transportation affidavit regarding the manner in which the head or hides were obtained. (P.C. Art. 923h (part).)

**Sec. 62.024. Importation of Game**

(a) No person may bring into this state any bird or animal protected by this code during the closed season for that bird or animal except as provided by this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each bird or animal imported in violation of this section constitutes a separate offense. (P.C. Art. 884 (part); Art. 885 (part).)

**Sec. 62.025. Importation of Game**

(a) No person may bring into this state a bird or animal protected by this code for sale, barter, exchange, or shipment for sale during the open season for that bird or animal except as provided in Section 62.026 of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each bird or animal imported in violation of this section constitutes a separate offense. (P.C. Art. 923a.)

**Sec. 62.026. Importation of Protected Wildlife From Mexico**

(a) It is lawful to ship or bring any wild game birds, wild game animals, or other protected species of wildlife from the Republic of Mexico into this state at any season if the person importing the wildlife has obtained:

(1) an importation permit from the department or an authorized agent; and

(2) a statement from the United States Customs Officer at the port of entry showing that the wildlife was brought from the Republic of Mexico.

(b) An importation permit must be on a form provided by the department and shall be issued for a period not to exceed 30 days.

(c) The fee for an importation permit is \$1. The officer issuing the importation permit, except employees of the department, may retain 25 cents as his collection fee.

(d) Within 10 days after the expiration date of the importation permit, the holder of the permit shall return one copy of the permit to the de-

partment showing the species of wildlife imported, the number of each, the date of importation, and the port of entry.

(e) The department may prescribe reasonable rules and regulations for the importation of wild game birds, wild game animals, and other protected species of wildlife, and the number of each species that may be imported during a calendar week under this section.

(f) A person who violates a provision of this section or a rule or regulation issued under this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P. C. Art. 907 (part).)

**Sec. 62.027. Affidavit for Transporting Specimens**

(a) No person may ship or carry to his home or to and from a taxidermist or tannery for mounting or preserving any specimen or part of specimen of a lawfully taken or killed wild bird or wild animal of this state unless he has made the transportation affidavit set out in this section. The specimens may not be transported for the purpose of sale, except as permitted by Sections 62.021 and 62.022 of this code.

(b) The transportation affidavit must be made before an officer authorized to administer oaths and must be in the following form:

State of Texas

County of \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, who after being duly sworn, upon oath says: I live at \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_; I have personally killed \_\_\_\_\_, which I desire to ship from \_\_\_\_\_ to \_\_\_\_\_ County, to \_\_\_\_\_, State of \_\_\_\_\_, which I lawfully killed for lawful use; that I have not killed during the present hunting season more than the bag limit of any of the wild game birds, wild fowl, or wild animals.

Signature \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_.

Office held \_\_\_\_\_

(c) The affidavit must be attached to the shipment and delivered to the common carrier transporting the shipment, and may not be removed during the period of transportation. If the specimen is carried by the person who killed it, the affidavit does not have to be attached to the shipment.

(d) Express agents, conductors, auditors of trains, captains of boats, and employees of the department may administer oaths for the affidavit required under this section. The person administering the oath may collect 25 cents for this service. (P.C. Art. 889; Art. 890 (part).)

**Sec. 62.028. Failure to Obtain Affidavit**

A person is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100 if he:

(1) ships game from any place in this state without making the transportation affidavit;

(2) is an agent of an express company or common carrier and receives shipment of game without an attached transportation affidavit; or

(3) is an auditor, conductor, or person in charge of a railroad train and knowingly permits a person to carry game without having made a transportation affidavit. (P.C. Art. 890 (part); Art. 923f.)

**Sec. 62.029. Records of Game in Storage**

(a) As used in this section, a "public cold storage plant" is any plant in which game is stored for a person other than the owner of the plant.

(b) The owner or operator of a public cold storage plant shall maintain a book containing a record of:

- (1) the name of each person placing a game bird or game animal in storage;
- (2) the number and kind of game birds or game animals placed in storage; and
- (3) the date on which each game bird or game animal is placed in storage.

(c) The record book kept by the owner or operator of a public cold storage plant may be inspected by an authorized employee of the department at any time.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (P.C. Art. 909 (part).)

**Sec. 62.030. Possession of Game in Storage**

A person may place and maintain, or possess, in a public or private storage plant, refrigerator, or locker lawfully taken or killed game birds, game animals, waterfowl, or migratory waterfowl not in excess of the number permitted to be possessed by law. (V.A.P.C. Art. 909a-2, Sec. 1; Art. 909a-1.)

[Sections 62.031-62.050 reserved for expansion]

**SUBCHAPTER C. ARCHERY SEASON**

**Sec. 62.051. Application of Subchapter**

The provisions of this subchapter do not apply to the following counties: Angelina, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brewster, Briscoe, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Childress, Collingsworth, Colorado, Comanche, Comal, Coryell, Cottle, Crockett, Crosby, Dallas, Deaf Smith, Delta, DeWitt, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, Ellis, Erath, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Hill, Hood, Hopkins, Houston, Howard, Hutchinson, Irion, Jackson, Jasper, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kleberg, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, LaSalle, Lavaca, Leon, Lipscomb, Live Oak, Llano, McCulloch, McMullen, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Mitchell, Montgomery, Morris, Motley, Nacogdoches, Newton, Nolan, Nueces, Ochiltree, Odham, Panola, Parmer, Polk, Rains, Reagan, Real, Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Throckmorton, Titus, Tom Green, Trinity, Tyler, Upshur, Val Verde, Victoria, Walker, Waller, Washington, Wharton, Wilbarger, Wilson, Wood, and Zavala. (Acts 56th Legis., Reg.Sess., Ch. 189, Sec. 2A, as amended by Acts 60th Legis., Reg.Sess., Ch. 116 and 300; Sec. 2B.)

**Sec. 62.052. Definition**

As used in this subchapter, "buck deer" means a wild buck deer with three points or more. (P.C. Art. 879h-4.)

**Sec. 62.053. Archery Season**

The open archery season for hunting buck deer, wild bear, wild turkey gobblers, and collared peccary or javelina with bow and arrow is October 1 through October 31 of each year. (P.C. Art. 879h-1.)

**Sec. 62.054. Possession of Firearms or Crossbow**

(a) While hunting buck deer, wild bear, wild turkey gobblers, or collared peccary or javelina during the open archery season, no person possessing a bow and arrow may have any type of firearm or crossbow on his person, in an automobile, or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 879h-2.)

**Sec. 62.055. Equipment**

(a) No person may hunt buck deer, wild bear, wild turkey gobblers, or collared peccary or javelina during the open archery season with:

(1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) arrows that are not equipped with broadhead hunting points at least seven-eighths inch in width and not over one and one-half inches in width;

(3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or

(4) arrows that are poisoned, drugged, or explosive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 879h-3.)

**Sec. 62.056. Archery Season in Certain Counties**

In counties covered by this subchapter where the hunting season on buck deer, wild bear, wild turkey gobblers, and collared peccary or javelina is less than 31 days, the department shall determine the length of the season to hunt these animals with bows and arrows. This archery season may not be longer than the open season for taking these game with firearms. (P.C. Art. 879h-5.)

[Sections 62.057-62.060 reserved for expansion]

**SUBCHAPTER D. HUNTING IN STATE PARKS****Sec. 62.061. Prohibited Acts**

Except as authorized by the commission under this subchapter, no person may hunt a wild animal, wild bird, or wild fowl in a state park, fort, or historic site under the jurisdiction of the department. (V.A.P.C. Art. 978f-5d, Sec. 1 (part).)

**Sec. 62.062. Season**

As sound biological management practices warrant, the commission may prescribe an open season for hunting in state parks, forts, or sites

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where size, location, and other physical conditions permit hunting. The open season may be only during the period beginning on the first day of November in one year and extending through the last day of February of the following year. However, no open season is authorized for the hunting of deer in any state park, the purposes and uses for which are primarily recreational. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.063. Regulatory Authority**

The commission may prescribe the number, size, kind, and sex and the means and methods of taking any wildlife during an open season in a state park, fort, or historic site. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.064. Fee for Hunting**

The commission may set a reasonable fee to be collected for hunting in state parks, forts, and sites. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.065. Disposition of Funds**

Revenue received under this subchapter shall be deposited in the state treasury to the credit of the state parks fund. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.066. Management of Resources**

The commission may direct the service or division of the department charged with the management of wildlife resources to manage the aquatic and wildlife resources found in state parks, forts, or historic sites. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.067. General Hunting License**

The provisions of this subchapter do not waive the requirement of a hunting license under this code. (V.A.P.C. Art. 978f-5d, Sec. 2 (part).)

**Sec. 62.068. Arrest**

A peace officer, game management officer, or commissioned state park employee may arrest without warrant a person found committing a violation of this subchapter. (V.A.P.C. Art. 978f-5d, Sec. 1 (part).)

**Sec. 62.069. Penalty**

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 978f-5d, Sec. 1 (part).)

[Sections 62.070-62.080 reserved for expansion]

**SUBCHAPTER E. WEAPONS ON LOWER COLORADO RIVER  
AUTHORITY LAND**

**Sec. 62.081. Weapons Prohibited**

(a) Except as provided in Section 62.082 of this code, no person may hunt with, possess, or shoot a firearm, bow, crossbow, slingshot, or any other weapon on or across the land of the Lower Colorado River Authority. (V.A.P.C. Art. 978l-8, Sec. 1(a).)

**Sec. 62.082. Target Ranges**

(a) The Board of Directors of the Lower Colorado River Authority may lease river authority land to be used on a nonprofit basis for a target rifle or archery range only and not for hunting.

(b) A member of the boy scouts or the girl scouts or other nonprofit public service group or organization may possess and shoot a firearm, bow, and crossbow for target or instructional purposes under the supervision of a qualified instructor registered with and approved by the Lower Colorado River Authority on ranges designated by the Lower Colorado River Authority. This subsection does not permit hunting by any person. (V.A.P.C. Art. 978I-8, Sec. 1(b), (c).)

**Sec. 62.083. Approved Instructor and Range Records**

The Lower Colorado River Authority shall maintain in its Austin office a current listing of approved and registered instructors and a map indicating the location of the designated ranges. The records shall be made available on request to enforcement officers and county attorneys. (V.A.P.C. Art. 978I-8, Sec. 1(d).)

**Sec. 62.084. Penalty**

A person who violates Section 62.081 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. (V.A.P.C. Art. 978I-8, Sec. 2.)

**CHAPTER 63. GAME AND NONGAME ANIMALS****SUBCHAPTER A. GAME ANIMALS****Section**

- 63.001. Game Animals.
- 63.002. Bag Limit for Certain Game.
- 63.003. Collared Peccary (Javelina).
- 63.004. Squirrel Season.
- 63.005. Squirrel Limit.
- 63.006. Deer and Bear Season.
- 63.007. White-Tailed Deer Permits.
- 63.008. Female Deer, Fawn, Young Buck.
- 63.009. Deer Call.
- 63.010. Hunting Deer With Dogs.

[Sections 63.011-63.100 reserved for expansion]

**SUBCHAPTER B. NONGAME ANIMALS**

- 63.101. Coypu (Nutria).
- 63.102. Wolves.

**CHAPTER 63. GAME AND NONGAME ANIMALS****SUBCHAPTER A. GAME ANIMALS****Sec. 63.001. Game Animals**

(a) The following animals are game animals: wild deer, wild elk, wild antelope, wild desert bighorn sheep, wild black bear, wild gray or cat

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squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina.

(b) No species of any animal set out in Subsection (a) of this section or any other animal is a game animal if it is not indigenous to this state.

(c) Aoudad sheep are game animals in Armstrong, Briscoe, Donley, Floyd, Hall, Motley, Randall, and Swisher counties. (P.C. Art. 892.)

**Sec. 63.002. Bag Limit for Certain Game**

No person may hunt or possess game animals in greater number than the daily, weekly, or seasonal bag limit as follows:

- (1) two wild buck deer during the open season of any one year;
- (2) one wild bear during the open season of any one year; and
- (3) ten wild squirrels in any one day. (P.C. Art. 881 (part).)

**Sec. 63.003. Collared Peccary (Javelina)**

(a) No person may hunt collared peccary (javelina) at any time except during the open season which is the period beginning November 16 and extending through January 1.

(b) No person may take more than two collared peccary (javelina) in one open season.

(c) No person may take, sell, offer to sell, or have in possession for the purpose of sale or barter any collared peccary (javelina).

(d) This section does not apply to collared peccary (javelina) or their hides imported from another state or foreign country.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) taken, possessed, sold, offered for sale, or possessed for sale in violation of this section is a separate offense. (V.A.P.C. Art. 879g-2; Art. 879g-2a (part); Art. 879g-3; Art. 879g-4.)

**Sec. 63.004. Squirrel Season**

(a) Except as provided in Subsection (b) of this section, the open season for the hunting of wild gray squirrels and wild red or fox squirrels is the months of May, June, July, October, November, and December.

(b) Squirrels may be kept in cages as domestic pets at any time. (P.C. Art. 879h (part).)

**Sec. 63.005. Squirrel Limit**

(a) Except as provided in Subsection (b) of this section, no person may take or kill more than 10 squirrels in one day or have in possession more than 20 squirrels at one time.

(b) This section does not apply to the following counties: Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Blanco, Brown, Bosque, Brazoria, Burnet, Caldwell, Calhoun, Callahan, Chambers, Colorado, Cooke, Coryell, Comanche, Comal, Concho, Delta, DeWitt, Dimmit, Eastland, Edwards, Erath, Fayette, Fort Bend, Franklin, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hamilton, Hill, Hopkins, Jackson, Karnes, Kerr, Kendall, Kimble, Lamar, Lampasas, Lavaca, Live Oak, Llano, Mason, Matagorda, McCulloch, Menard, Medina, Mills, Montague, Real, Red River, Refugio, San Patricio, San Saba, Schleicher, Stephens, Tarrant, Throckmorton, Travis, Uvalde, Victoria, Waller, Washington, Wharton, Wilson, Wise, and Zavala. (V.A.P.C. Art. 923u-6.)



**Sec. 63.006. Deer and Bear Season**

The open season for the hunting of wild buck deer and wild bear is the period beginning November 16 and extending through December 31. (P.C. Art. 879g.)

**Sec. 63.007. White-Tailed Deer Permits**

(a) The department shall issue permits for the trapping, transporting, and transplanting of wild white-tailed deer to persons presenting a satisfactory showing that there is an overpopulation of the deer in an area where harvest provisions are inadequate for maintaining a balanced supply of the deer and that the deer will be removed and transplanted to an area of adaptable habitat for appropriate harvest.

(b) The trapping, transporting, and transplanting of wild white-tailed deer under a permit issued by the department shall be done at no expense to the state.

(c) No person may hunt wild white-tailed deer transplanted under this section except as allowed by law for the hunting of native wild white-tailed deer in the county to which the deer are transplanted.

(d) Permits issued under this section do not entitle a person to take, trap, or possess wild white-tailed deer on any privately owned land without the landowner's written permission. (V.A.P.C. Art. 923f-1, Sec. 2, 3, 4, 5.)

**Sec. 63.008. Female Deer, Fawn, Young Buck**

(a) No person may hunt a wild female deer, wild fawn deer, or wild buck deer without a pronged horn.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 910.)

**Sec. 63.009. Deer Call**

(a) No person may use a deer call, whistle, decoy, call pipe, reed, or other mechanical or natural device to call or attract deer, except the rattling of deer horns.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$500 or by confinement in the county jail for not less than 20 days nor more than 90 days, or both. (P.C. Art. 923(g).)

**Sec. 63.010. Hunting Deer With Dogs**

(a) Except as provided in Subsection (b) of this section, no person may use or permit the use of a dog in the hunting of deer.

(b) This section does not apply to Brazoria, San Augustine, and Fort Bend counties.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(d) Nothing in this section affects Chapter 61 of this code. (P.C. Art. 880 (part).)

[Sections 63.011-63.100 reserved for expansion]

**SUBCHAPTER B. NONGAME ANIMALS**

**Sec. 63.101. Coypu (Nutria)**

(a) No person may possess, transport, or sell live coypu (nutria) unless he has obtained a written permit from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (V.A.P.C. Art. 923x.)

**Sec. 63.102. Wolves**

(a) No person may possess, transport, receive, or release a live wolf in this state.

(b) Subsection (a) does not apply to the transportation of a wolf by a state or county official while performing an official duty or to the possession or transportation of a wolf by the owner or agent of a licensed circus, zoo, or menagerie for exhibition or scientific purposes.

(c) A person who violates this section is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not less than six months nor more than five years. (V.A.P.C. Art. 923qa-3.)

**CHAPTER 64. BIRDS**

**SUBCHAPTER A. GENERAL PROVISIONS**

**Section**

**64.001. Game Birds.**

**64.002. Protection of Nongame Birds.**

**64.003. Destroying Nests or Eggs.**

**64.004. Trapping Game Birds.**

[Sections 64.005–64.010 reserved for expansion]

**SUBCHAPTER B. SEASONS AND LIMITS**

**64.011. Eagle.**

**64.012. Hunting Turkey Hens.**

**64.013. Turkey Gobblers.**

**64.014. Quail and Chachalaca.**

**64.015. Prairie Chicken.**

[Sections 64.016–64.020 reserved for expansion]

**SUBCHAPTER C. MIGRATORY GAME BIRDS**

**64.021. Definitions.**

**64.022. Authority of Department.**

**64.023. Open Season.**

**64.024. Regulations.**

**64.025. Suit.**

**64.026. Prohibited Acts.**

## CHAPTER 64. BIRDS

## SUBCHAPTER A. GENERAL PROVISIONS

**Sec. 64.001. Game Birds**

Wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearn's quail, wild Gambel's quail, wild red-billed pigeons, wild band-tailed pigeons, wild mourning doves, wild white-winged doves, wild snipe of all varieties, wild shore birds of all varieties, chachalacas, wild plover of all varieties, and wild sandhill cranes are game birds. (P.C. Art. 872.)

**Sec. 64.002. Protection of Nongame Birds**

(a) Except as provided in this section, Chapter 67, or Section 12.013 of this code, no person may:

(1) catch, kill, injure, pursue, or possess, dead or alive, or purchase, sell, expose for sale, transport, ship, or receive or deliver for transportation, a bird that is not a game bird;

(2) possess any part of the plumage, skin, or body of a bird that is not a game bird; or

(3) disturb or destroy the eggs, nest, or young of a bird that is not a game bird.

(b) European starlings, English sparrows, grackles, ravens, red-winged blackbirds, cowbirds, and crows may be killed at any time and their nests or eggs may be destroyed.

(c) Canaries, parrots, and other exotic nongame birds may be sold, purchased, and kept as domestic pets.

(d) A person may defend and protect his domestic animals from predators.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each bird or part of a bird taken or possessed in violation of this section constitutes a separate offense. (P.C. Art. 874; Acts 61st Legis., Reg.Sess., Ch. 514, Sec. 3.)

**Sec. 64.003. Destroying Nests or Eggs**

(a) No person may destroy or take the nest, eggs, or young of any wild game bird, wild bird, or wild fowl protected by this code except as provided in this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 891.)

**Sec. 64.004. Trapping Game Birds**

(a) No person may set a trap, net, or other device for taking game birds or take or snare a game bird by a device without obtaining a permit from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 888a.)

[Sections 64.005–64.010 reserved for expansion]

**SUBCHAPTER B. SEASONS AND LIMITS**

**Sec. 64.011. Eagle**

Golden eagle or Mexican brown eagle may be hunted or trapped in this state. (V.A.P.C. Art. 879i.)

**Sec. 64.012. Hunting Turkey Hens**

(a) No person may hunt or possess, dead or alive, a wild turkey hen at any time except as provided in this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (P.C. Art. 877.)

**Sec. 64.013. Turkey Gobblers**

(a) No person may hunt wild turkey gobblers except during the open season, which is the period beginning November 16 and extending through December 31.

(b) No person may take, kill, or possess more than three turkey gobblers in one open season. (P.C. Art. 879c (part); Art. 881 (part).)

**Sec. 64.014. Quail and Chachalaca**

(a) No person may hunt quail or chachalaca except during the open season, which is the period beginning December 1 and extending through January 16.

(b) No person may kill more than 12 quail in one day, kill more than 36 quail in a seven-day period, or possess more than 36 quail at one time.

(c) No person may kill more than 5 chachalacas in one day, kill more than 10 chachalacas in a seven-day period, or possess more than 10 chachalacas at one time.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each bird killed or possessed in violation of this section constitutes a separate offense. (Acts 44th Legis., Reg.Sess., Ch. 144, Sec. 2, 4 (part), 5 (part).)

**Sec. 64.015. Prairie Chicken**

(a) No person may hunt or possess prairie chicken in this state.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. Each prairie chicken taken, killed, or possessed in violation of this section constitutes a separate offense and shall be seized and disposed of as provided in Section 12.110 of this code. (V.A.P.C. Art. 879f-6, Sec. 1, 2.)

[Sections 64.016–64.020 reserved for expansion]

**SUBCHAPTER C. MIGRATORY GAME BIRDS**

**Sec. 64.021. Definitions**

In this subchapter:

(1) "Migratory game bird" means wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallin-

ules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, white-winged doves, and sandhill cranes.

(2) "Open season" means the period of time when it is lawful to take, kill, or pursue, or attempt to take or kill migratory game birds. (V.A.P.C. Art. 881b, Sec. 1 (part), 2 (part).)

#### **Sec. 64.022. Authority of Department**

The department shall provide the open season, and means, methods, and devices for the taking and possessing of migratory game birds. V. A. P.C. Art. 881b, Sec. 5 (part).)

#### **Sec. 64.023. Open Season**

An open season may be provided only for the length of time justified by the supply of the species of migratory game bird affected in this state or in the zone or section of this state where the open season applies. (V.A.P.C. Art. 881b, Sec. 5 (part).)

#### **Sec. 64.024. Regulations**

(a) The department shall conduct investigations prior to the issuance of regulations on an open season for a migratory game bird. The regulation may be issued if the supply of the migratory game bird is sufficient.

(b) The effective date of a regulation shall be stated in the regulation but may not be less than 10 days after the regulation is issued.

(c) A regulation is valid until the time specified in the regulation unless it is suspended or amended by the department in the same manner as in issuing the original regulation.

(d) A regulation issued by the department must be incorporated in the minutes of the meeting at which it was adopted, and a copy of the regulation must be filed with the secretary of state and each county clerk and county attorney. (V.A.P.C. Art. 881b, Sec. 6, 7.)

#### **Sec. 64.025. Suit**

A party affected by and dissatisfied with a regulation issued under this subchapter may file suit against the department to test the validity of the regulation in a court of competent jurisdiction in Travis County. (V.A.P.C. Art. 881b, Sec. 8.)

#### **Sec. 64.026. Prohibited Acts**

(a) No person may hunt or possess a migratory game bird by any method or device except as provided by regulation issued under this subchapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. Each migratory game bird killed or possessed in violation of this section constitutes a separate offense. (V.A.P.C. Art. 881b, Sec. 2 (part), 3.)

**CHAPTER 65. REPTILES**

**SUBCHAPTER A. TURTLES AND TERRAPIN**

**Section**

- 65.001. Season for Saltwater Terrapin.
- 65.002. Underweight Turtle or Terrapin.
- 65.003. Unlawful Taking of Sea Turtles and Sea Turtle Eggs.
- 65.004. Texas Tortoise.
- 65.005. Injunction.
- 65.006. Penalties.

[Sections 65.007–65.100 reserved for expansion]

**SUBCHAPTER B. HORNED TOADS**

- 65.101. Definition.
- 65.102. Killing, Capturing, Selling, or Transporting Horned Toads.
- 65.103. Injunction.
- 65.104. Penalties.

**CHAPTER 65. REPTILES**

**SUBCHAPTER A. TURTLES AND TERRAPIN**

**Sec. 65.001. Season for Saltwater Terrapin**

(a) No person may take or have in his possession any saltwater terrapin except during November, December, January, and February.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$100. (P.C. Art. 957.)

**Sec. 65.002. Underweight Turtle or Terrapin**

(a) No person may sell or ship any green turtle weighing less than 12 pounds or any terrapin of less than six inches in length of under shell.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (P.C. Art. 958.)

**Sec. 65.003. Unlawful Taking of Sea Turtles and Sea Turtle Eggs**

(a) No person may knowingly take, kill, or disturb any sea turtle or sea turtle eggs in or from the waters of the state.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (V.A.P.C. Art. 978d–1.)

**Sec. 65.004. Texas Tortoise**

No person may wilfully kill, injure, take, or have in his possession for the purpose of sale, barter, or commercial exploitation, any Texas Tortoise (*Gopherus berlandieri*) in the state except for propagation and scientific purposes. Possession includes the transportation, shipping, or storing of Texas Tortoises, dead or alive, within or into the state. (V.A.P.C. Art. 934b–5, Sec. 1.)

**Sec. 65.005. Injunction**

Any district attorney, county attorney, sheriff, or proper authorities in any county of the state, or the director, may institute appropriate proceedings, including a petition for injunction, to prevent a violation of Section 65.004 of this code. (V.A.P.C. Art. 934b-5, Sec. 3.)

**Sec. 65.006. Penalties**

A person who violates Section 65.004 of this code commits a misdemeanor punishable by a fine of not less than \$10 nor more than \$200 or by confinement in the county jail for not less than 10 days nor more than 60 days or by both. Each Texas Tortoise (*Gopherus berlandieri*) unlawfully taken, killed, injured, or possessed constitutes a separate offense subject to the penalty provided in this section. (V.A.P.C. Art. 934b-5, Sec. 2.)

[Sections 65.007-65.100 reserved for expansion]

**SUBCHAPTER B. HORNED TOADS****Sec. 65.101. Definition**

In this subchapter, "horned toad" means a horned toad or horned lizard of the genus *Phrynosoma*. (V.A.P.C. Art. 934b-4, Sec. 1(b).)

**Sec. 65.102. Killing, Capturing, Selling, or Transporting Horned Toads**

No person may wilfully capture, trap, attempt to capture or trap, kill, injure, take, or have in his possession for the purpose of sale, barter, or commercial exploitation horned toads in the state except for propagation or scientific purposes. Possession includes transportation, shipping, or storing of horned toads, dead or alive, within the state. (V.A.P.C. Art. 934b-4, Sec. 1(a).)

**Sec. 65.103. Injunction**

Any district attorney, county attorney, sheriff, or the director or his authorized representative, or proper authorities in any county of the state may institute any appropriate proceedings, including a petition for injunction, to prevent the violation of this subchapter. (V.A.P.C. Art. 934b-4, Sec. 3.)

**Sec. 65.104. Penalties**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each horned toad unlawfully taken, captured, killed, injured, or possessed constitutes a separate offense and is subject to the penalty provided by this section. (V.A.P.C. Art. 934b-4, Sec. 2.)

**CHAPTER 66. FISH****SUBCHAPTER A. PROVISIONS APPLICABLE TO FRESHWATER AND SALTWATER FISHING****Section**

- 66.001. Salt and Fresh Water Defined.
- 66.002. Consent to Take Fish from Private Water.
- 66.003. Placing Explosives or Harmful Substances in Water.
- 66.004. Taking of Fish by Electric Shock Prohibited; Exception.
- 66.005. Wilful Destruction of Boat, Seine, or Net.
- 66.006. Returning Small Fish Taken by Net or Seine.
- 66.007. Harmful Tropical Fish.
- 66.008. Fishing from Bridge.
- 66.009. Navigation Districts.

[Sections 66.010–66.100 reserved for expansion]

**SUBCHAPTER B. FRESH WATER FISHING**

- 66.101. Methods of Fishing.
- 66.102. Placing Prohibited Devices in Public Water.
- 66.103. Water Closed to Nets and Seines.
- 66.104. Seasons for Taking Fish.
- 66.105. Taking of Fish: Minimum Size.
- 66.106. Catch Limits.
- 66.107. Possession of Certain Fish While Using Spear Gun or Bow and Arrow.
- 66.108. Injuring Small Fish Prohibited.
- 66.109. Fish Ladders.
- 66.110. Screens to Protect Fish.
- 66.111. Sale of Fish.
- 66.112. Brood Fish.
- 66.113. Removal of Rough Fish and Turtles From Fresh Water.
- 66.114. Rough and Game Fish Defined.
- 66.115. Rough Fish: Regulations.
- 66.116. Rough Fish: Fees, Bonds.
- 66.117. Revocation of Rough Fish Permit; Commercial License Required.
- 66.118. Rough Fish: Disposition.

[Sections 66.119–66.200 reserved for expansion]

**SUBCHAPTER C. SALTWATER FISHING**

- 66.201. Redfish.
- 66.202. Nets and Seines in Inside Water: Noncommercial fishing.
- 66.203. Nets and Seines in Outside Water: Noncommercial Fishing.
- 66.204. Vessels and Obstructions in Fish Passes.
- 66.205. Drum Seining Permits.
- 66.206. Trotline Tags.
- 66.207. Fish Pound Net Prohibited.
- 66.208. Commercial Joint Fishing Ventures.
- 66.209. Statistical Reports.
- 66.210. Rough Fish.
- 66.211. Permits for Taking Rough Fish.



**Section**

- 66.212. Holders of Rough Fish Permits: Offenses.  
66.213. Possession of Illegal Nets and Seines.

[Sections 66.214–66.300 reserved for expansion]

**SUBCHAPTER D. TEXAS TERRITORIAL WATER**

- 66.301. Definition.  
66.302. Licenses.  
66.303. Prohibited Acts.  
66.304. Port Authorities and Navigation Districts.  
66.305. Harbor Pilots.  
66.306. Enforcement.  
66.307. Political Asylum.

**CHAPTER 66. FISH**

**SUBCHAPTER A. PROVISIONS APPLICABLE TO FRESHWATER  
AND SALTWATER FISHING**

**Sec. 66.001. Salt and Fresh Water Defined**

In this chapter:

- (1) "Fresh water" means all lakes, lagoons, rivers, and streams to their mouths, but does not include coastal or tidal water.  
(2) "Salt water" means all coastal or tidal water. (P.C. Art. 926.)

**Sec. 66.002. Consent to Take Fish From Private Water**

(a) No person may catch fish by the use of a net or seine or explosive or by poisoning, polluting, muddying, ditching, or draining in any privately owned lake, pool, or pond without the consent of the owner.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(c) In a prosecution under this section, the burden of proof to show consent is on the person charged. (P.C. Art. 925.)

**Sec. 66.003. Placing Explosives or Harmful Substances in Water**

(a) No person may place in the water of this state an explosive, poison, or other substance or thing deleterious to fish.

(b) Subsection (a) of this section does not apply to the use of explosives necessary for construction purposes when the use is authorized in writing by the county judge of the county where the work is to be done.

(c) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$100 and by confinement in the county jail for not less than 60 nor more than 90 days. (P.C. Art. 924.)

**Sec. 66.004. Taking of Fish by Electric Shock Prohibited; Exception**

(a) Except as provided by Subsection (d) of this section, no person may catch fish by using an electricity-producing device designed to shock fish.

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(b) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(c) The possession of an electricity-producing device designed to shock fish, in a boat or along the shore or bank of any water of this state, is prima facie evidence of a violation of this section by the person in possession of the device.

(d) This section does not prohibit the use of an electricity-producing device of not more than three volts connected to a shrimp trawl used by an operator of a licensed commercial gulf shrimp boat in the outside water of this state at depths of more than seven fathoms. To qualify under this exemption, the commercial gulf shrimp boat and the trawl must be operating in compliance with the provisions of Chapter 77 of this code relating to the taking of shrimp. (V.A.P.C. Art. 924a.)

**Sec. 66.005. Wilful Destruction of Boat, Seine, or Net**

(a) No person may wilfully, with the intent to injure the owner, take a boat, seine, net, or other device for fishing into prohibited water, or use a boat, seine, net, or other device for fishing to take fish unlawfully, so as to cause the destruction of the boat, seine, net, or device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 and confinement in the county jail for not less than 30 nor more than 90 days. (P.C. Art. 956.)

**Sec. 66.006. Returning Small Fish Taken by Net or Seine**

(a) No person who catches fish by the use of a seine or set net may fail to return to the water all fish under or over the size or weight limitations established in this chapter and all other fish for which no limitation is provided.

(b) Subsection (a) of this section does not apply to shark, gar, ray, turtle, sawfish, or catfish, except that it does apply to the gaff-topsail catfish.

(c) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$100. (P.C. Art. 949.)

**Sec. 66.007. Harmful Tropical Fish**

(a) No person may import, possess, sell, or release into water of this state harmful or potentially harmful tropical fish or fish eggs unless he has acquired from the department a written permit.

(b) The department shall determine and publish a list of tropical fish that are harmful or potentially harmful to human or other animal life.

(c) The department shall make rules to carry out the provisions of this section.

(d) A person who violates Subsection (a) of this section or a rule of the department made under Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (V.A.P.C. Art. 955a-3.)

**Sec. 66.008. Fishing From Bridge**

(a) No person may fish from the deck or road surface of any bridge or causeway on a road maintained by the State Highway Department.

(b) No person may deposit or leave any dead fish, crab, or bait on the deck or road surface of any bridge or causeway on a road maintained by the State Highway Department.

(c) The State Highway Department shall post appropriate signs on all bridges and causeways affected by this section.

(d) A person who violates Subsection (a) or (b) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$50. (V.A.C.S. Art. 6701d-4.)

#### **Sec. 66.009. Navigation Districts**

(a) No person may use a seine or net of any type, trotline, or other mechanical or physical device, except hook and line, to catch fish in a channel, turning basin, or other water of a navigation district operating under Chapter 63, Water Code.

(b) The possession of a mechanical device referred to in Subsection (a) of this section within a navigation district operating under Chapter 63, Water Code, is prima facie evidence of a violation of Subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100, by confinement in the county jail for not less than 5 days nor more than 30 days, or by both. (Acts 45th Legis., Reg.Sess., Ch. 156.)

[Sections 66.010-66.100 reserved for expansion]

### **SUBCHAPTER B. FRESH WATER FISHING**

#### **Sec. 66.101. Methods of Fishing**

(a) No person may catch fish in public fresh water by any method or by the use of any device except as authorized by this section.

(b) The following methods and uses are authorized:

(1) the use of the ordinary hook and line or trotline;

(2) the use of a minnow seine not longer than 20 feet for the taking of bait only;

(3) the use of a minnow seine not longer than 20 feet, dip net, cast net, and umbrella net of meshes of any size for the purpose of catching bream, shad, carp, suckers, gar, and buffalo fish only;

(4) the use of a trammel net, a drag or set net, or seine having meshes the sides of which are at least three inches long;

(5) the use of a spear gun and spear or bow and arrow for the purpose of catching carp, buffalo fish, gaspergou, garfish, and Rio Grande perch only; and

(6) the use of a common funnel fruit jar type trap and its metallic counterpart for the taking of minnows only for bait, but only if the trap is no longer than two feet and has a throat no larger than one inch in diameter.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (P.C. Art. 927 (part); Art. 948 (part); V.A.P.C. Art. 941b; V.A.C.S. Art. 4050c-1, Sec. 1.)

#### **Sec. 66.102. Placing Prohibited Devices in Public Water**

(a) No person may place in the public fresh water of this state for the purpose of catching fish any device prohibited by Section 66.101 of this

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code or any net or seine made of wire or other metallic substance, except the metallic counterpart of a common funnel fruit jar type trap conforming to the requirements of Section 66.101(b)(6) of this code.

(b) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

(c) A device in the public fresh water of this state in violation of this section is a nuisance, and officers and employees of the department shall destroy the device. An officer or employee of the department is immune from liability for the destruction of devices found in violation of this section. (P.C. Art. 948 (part); Art. 927 (part).)

**Sec. 66.103. Water Closed to Nets and Seines**

(a) The commission may close any public fresh water to the use of nets and seines or to any type of net or seine if the commission finds that the closing is necessary to protect or conserve fish.

(b) Notice of the closing must be posted for two weeks in at least three stores or other locations near the water to be closed prior to the effective date of the closing.

(c) No person may use a net or seine or any type of net or seine prohibited by the commission in public fresh water closed by the commission under this section.

(d) A person who violates Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. The failure to post notice is a defense against a charge of violating Subsection (c) of this section. (P.C. Art. 948 (part); Art. 928.)

**Sec. 66.104. Seasons for Taking Fish**

There is no period of time when the taking of fish from public fresh water is prohibited. (V.A.P.C. Art. 927a, Sec. 1.)

**Sec. 66.105. Taking of Fish: Minimum Size**

(a) No person may take from public fresh water and retain, or place in a boat, creel, live-box, or other container or on a fish stringer, a largemouth black bass, a smallmouth black bass, a spotted bass, or any subspecies of these bass that is less than seven inches long.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (V.A.P.C. Art. 927a, Sec. 2, 4.)

**Sec. 66.106. Catch Limits**

(a) No person may catch and retain in any one day, or place in or on any container or device used for holding fish while in the process of fishing, fish taken from public fresh water in excess of the following limitations:

(1) 15 largemouth black bass, smallmouth black bass, spotted bass, or any subspecies of these bass, singly or in the aggregate, not more than 10 of which may be more than 11 inches long;

(2) 25 white bass;

(3) 25 blue, channel, or yellow catfish, singly or in the aggregate;  
and

(4) 25 crappie or white perch.

(b) The retention limit in this section for catfish does not apply to a person holding a commercial fishing license issued under Section 47.002 of this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (V.A.P.C. Art. 927a, Sec. 3, 4; Art. 934a, Sec. 3, subdiv. 13 (part).)

**Sec. 66.107. Possession of Certain Fish While Using Spear Gun or Bow and Arrow**

No person may possess fish other than carp, buffalo fish, gaspergou, garfish, and Rio Grande perch while using a spear gun and spear or a bow and arrow. (V.A.C.S. Art. 4050c-1, Sec. 2.)

**Sec. 66.108. Injuring Small Fish Prohibited**

(a) No person may fail to return immediately to the water any crappie or bass under the minimum size taken from public fresh water.

(b) No person may unnecessarily injure crappie or bass under the minimum size taken from public fresh water.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. (P.C. Art. 932.)

**Sec. 66.109. Fish Ladders**

(a) The commissioners court of each county, by written order, may require the owner of a public or private dam or other obstruction on a regularly flowing public freshwater stream to construct or repair fishways or fish ladders sufficient to allow fish in all seasons to ascend the dam or other obstruction for the purpose of depositing spawn.

(b) An owner who fails to construct or repair a fishway or fish ladder within 90 days after receiving the written order is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500. Each week of violation following the 90-day period constitutes a separate offense. (P.C. Art. 951a.)

**Sec. 66.110. Screens to Protect Fish**

(a) The department may direct a person or corporation taking fresh water of the state to cover the entrance of the intake canal, pipe, or other device used for taking water with a screen to protect fish.

(b) The department may regulate the manner of installation and the specifications of screens and other obstructions required under this section.

(c) No person may fail to comply with a direction of the department made in writing under Subsection (a) of this section.

(d) A person who violates Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. Each day's failure to comply constitutes a separate offense. (P.C. Art. 978c.)

**Sec. 66.111. Sale of Fish**

(a) No person may buy or offer to buy, sell or offer to sell, possess for the purpose of sale, transport or ship for the purpose of sale, or barter or exchange freshwater crappie or bass.

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(b) No person may sell or offer to sell any freshwater fish taken from the water of any county west of the Pecos River.

(c) No person may sell, barter, or offer to sell or barter rainbow trout taken from the water of the state.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of:

(1) not more than \$100 if Subsection (a) is violated;

(2) not less than \$10 nor more than \$100 if Subsection (b) is violated; and

(3) not less than \$10 nor more than \$50 if Subsection (c) is violated. (P.C. Art. 978e; V.A.P.C. Art. 978l-1; Art. 933½c; Art. 933½d.)

**Sec. 66.112. Brood Fish**

Employees of the department under the direction of the commission and the United States Fish and Wildlife Service of the Department of Interior may take brood fish from public fresh water at any time and in any manner to supply the needs of state and federal fish hatcheries. (V.A.C.S. Art. 4050.)

**Sec. 66.113. Removal of Rough Fish and Turtles From Fresh Water**

(a) The department may take rough fish and turtles from public fresh water by means of crews under the supervision of the department, using methods of removal approved by the department.

(b) When the department determines that rough fish and turtles exist in public fresh water in numbers detrimental to the propagation and preservation of game fish, it may issue permits to applicants for rough fish and turtle removal.

(c) The department may not issue a permit to an applicant whose record within the knowledge of the department shows repeated violations of the fishing laws of the state to an extent that the department finds that<sup>1</sup> the applicant's conduct to be in flagrant disregard of fish conservation laws, or if the applicant has previously had a permit issued under this section revoked for a violation of the law or a regulation of the commission.

(d) A permit issued under this section, unless revoked, is valid for a period set by the commission, not less than three months.

(e) Each permit applies to a single lake, or portion of a lake, stream, or river as determined by the department. (V.A.C.S. Art. 4050c, Sec. 1, 2.)

**Sec. 66.114. Rough and Game Fish Defined**

In this subchapter:

(1) "Rough fish" means fish having no sporting value, the predatory fish, bony or rough-fleshed fish, or any other fish whose numbers should be controlled to protect and encourage the propagation of game fish. A game fish may not be classified as a rough fish.

(2) "Game fish" means black bass, white bass, crappie, bream, sunfish, and channel and yellow catfish. (V.A.C.S. Art. 4050c, Sec. 6.)

1. So in enrolled bill.

**Sec. 66.115. Rough Fish: Regulations**

The commission shall make regulations on the types of equipment that may be used by persons holding a permit under Section 66.113 of this code according to the lake, stream, river, or portion of lake, stream, or river. (V.A.C.S. Art. 4050c, Sec. 3(b).)

**Sec. 66.116. Rough Fish: Fees, Bonds**

(a) The commission shall set a fee which persons holding a permit to remove rough fish and turtles shall pay to the department for each pound of fish and turtles removed under the permit. The commission shall set the minimum total poundage each permit holder must take under the terms of the permit, which may vary according to the place where removal is authorized.

(b) Each holder of a permit to remove rough fish and turtles shall execute a bond in an amount set by the department and payable to the director. The bond shall be conditioned on the payment of the fee required by Subsection (a) of this section, on the removal of the minimum poundage required under the permit, and on the faithful compliance with the regulations of the commission and the law. The bond must be approved by the director. (V.A.C.S. Art. 4050c, Sec. 3(a), 4(a).)

**Sec. 66.117. Revocation of Rough Fish Permit; Commercial License Required**

(a) The department shall revoke the permit of any person who takes rough fish or turtles in violation of the law or of the regulations of the commission.

(b) No person may take rough fish or turtles unless he has acquired the appropriate commercial fishing license or may use nets and seines unless complying with tagging requirements. (V.A.C.S. Art. 4050c, Sec. 4(b), (c).)

**Sec. 66.118. Rough Fish: Disposition**

(a) Rough fish and turtles taken by a contractor under Section 66.113 of this code may be sold by the contractor.

(b) Rough fish and turtles taken by the department shall be used for feed for hatchery fish, and the surplus not used for feed shall be sold at the highest price obtainable. The receipts from the sale of rough fish shall be used for the removal of rough fish and turtles by the commission. (V.A.C.S. Art. 4050c, Sec. 5.)

[Sections 66.119–66.200 reserved for expansion]

**SUBCHAPTER C. SALTWATER FISHING****Sec. 66.201. Redfish**

(a) No person may take from public water and retain, or place in a boat, creel, live-box, or other container or on a stringer, a redfish less than 14 inches long.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 931a.)

**Sec. 66.202. Nets and Seines in Inside Water: Noncommercial Fishing**

(a) No person engaged in noncommercial fishing in the inside water of this state may use for the purpose of catching fish a seine or drag seine or any other device except:

- (1) an ordinary pole and line;
- (2) a casting rod;
- (3) a rod and reel;
- (4) artificial bait;
- (5) a trotline or set line;
- (6) a cast net;
- (7) a minnow seine of not more than 20 feet in length for catching bait only; and
- (8) a set net, trammel net, or strike net, the meshes of which may not be less than one and one-half inches from knot to knot.

(b) In this section, inside water is that water defined as "inside water" in Chapter 77 of this code and "noncommercial fishing" means the catching of fish for a purpose other than for pay, barter, sale, or exchange.

(c) A person who violates this section is guilty of a misdemeanor and on the first conviction is punishable by a fine of not less than \$25 nor more than \$100. On a second or subsequent conviction, the person is punishable by a fine of not less than \$100 nor more than \$200, and the person's fishing license is subject to cancellation. If the person's license is cancelled, he is not entitled to receive another fishing license for one year from the date of his conviction.

(d) Authorized employees of the department may seize nets, seines, and other tackle used in violation of this section and hold them as evidence until the trial of the defendant. No suit may be maintained against an authorized employee acting under this subsection. (P.C. Art. 941 (part).)

**Sec. 66.203. Nets and Seines in Outside Water: Noncommercial Fishing**

(a) No person engaged in noncommercial fishing in the outside water of this state may use a net or seine that fails to meet the requirements of Subsection (b) of this section.

(b) The mesh of a net or seine, not including the bag and 50 feet on each side of the bag, must have sides of not less than one and one-half inches. The bag and that part of the net or seine 50 feet on each side of the bag must have meshes the sides of which are not less than one inch. No net or seine or combination of nets and seines connected together may be longer than 2,000 feet.

(c) In this section, outside water is that water defined as "outside water" in Chapter 77 of this code, and "noncommercial fishing" means the catching of fish for a purpose other than for pay, barter, sale, or exchange.

(d) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$20 nor more than \$100. On a second conviction the person is punishable by a fine of not less than \$50 nor more than \$200 and may have his license suspended for a period of not less than 30 nor more than 90 days. On a third or subsequent conviction the person is punishable by confinement in the



county jail for not less than 30 nor more than 90 days and may have his license suspended for a period of not less than one year. (P.C. Art. 945.)

**Sec. 66.204. Vessels and Obstructions in Fish Passes**

(a) No person may operate, possess, or moor a vessel or other floating device, or may place any piling, wire, rope, cable, net, trap, or other obstruction, in a natural or artificial pass opened, reopened, dredged, excavated, constructed, or maintained by the department as a fish pass between the Gulf of Mexico and an inland bay, within a distance of 2,800 feet inside the pass measured from the mouth of the pass where it empties into or opens on the Gulf of Mexico.

(b) The department shall erect permanent iron or concrete monuments showing the restricted area.

(c) This section does not restrict the power of the United States to regulate navigation.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$1 nor more than \$100. On a second or subsequent conviction the person is punishable by a fine of not less than \$1 nor more than \$200. (Acts 46th Legis., p. 839, S.L., Ch. 84.)

**Sec. 66.205. Drum Seining Permits**

(a) A person who has a lease for taking oysters in water where seining is prohibited may apply to the department for a permit to seine for drum.

(b) The application shall be under oath and must include a statement that drum are seriously damaging the applicant's oysters and that if the permit is issued he will not take and retain or destroy other food fish but will return them to the water.

(c) If the department finds that drum are seriously damaging the oysters of the applicant, the permit shall be issued. The permit must state the period of validity and must specify the area of its applicability.

(d) The department shall assign an employee of the department to supervise the seining.

(e) Seining for drum in prohibited water is lawful when done under the authority of a permit issued under this section and when done in the presence of the assigned employee.

(f) The holder of a permit shall pay \$2.50 for each day of seining under the permit. (R.S. Art. 4046.)

**Sec. 66.206. Trotline Tags**

(a) The department shall issue numbered tags for trotlines used in public salt water.

(b) The commission may make regulations for the safe use of trotlines and to carry out the provisions of this section.

(c) A trotline tag shall be attached to each 300 feet of trotline or fractional part of 300 feet, and the department shall collect a fee of \$1 for each tag issued.

(d) No person may use a trotline in public salt water unless the trotline has attached to it the proper number of trotline tags.

(e) A person who violates this section or a rule of the commission relating to safe trotline usage is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

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(f) Authorized employees of the department may seize trotlines used in violation of this section and hold them as evidence until the trial of the defendant. No suit may be maintained against an authorized employee acting under this subsection. (V.A.P.C. Art. 941-3, Sec. 1, 3.)

**Sec. 66.207. Fish Pound Net Prohibited**

(a) No person may use a fish pound net in the water of the Gulf of Mexico within three nautical miles of the coastline.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 954.)

**Sec. 66.208. Commercial Joint Fishing Ventures**

(a) No person who is engaged in taking seafood in a commercial joint venture may sell or offer to sell the products of the joint venture except in the regular course of the joint venture with the express or implied consent of the co-venturer.

(b) No person who is employed to take seafood may sell or offer to sell the products taken in the course of his employment without the express or implied consent of his employer.

(c) No person may purchase seafood with the knowledge that it is sold in violation of Subsection (a) or (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$100 nor more than \$200. On a second or subsequent conviction the person is punishable by a fine of not less than \$500 nor more than \$2,000 or by confinement in the county jail for not less than five days nor more than six months, or by both. (V.A.P.C. Art. 934b-3.)

**Sec. 66.209. Statistical Reports**

(a) The department shall gather statistical information on the harvest of fish, shrimp, oysters, and other forms of edible marine life of the Texas coast.

(b) The department shall prescribe and distribute the report form. The form shall be designed to allow for statistical information concerning the numbers and quantity by weight of seafood taken, the species taken, the kinds of equipment used, and the water from which the catch is made.

(c) No dealer who purchases fish, shrimp, oysters, or other forms of edible marine life directly from the fisherman may fail to file the report with the department each month on or before the 10th day of the month. No dealer required to report may wilfully file an incorrect report.

(d) Any dealer who violates Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (V.A.P.C. Art. 978f-1.)

**Sec. 66.210. Rough Fish**

(a) The commission shall investigate saltwater species of fish. It shall classify and reclassify, when necessary, saltwater fish as game fish and nongame fish.

(b) In this subchapter:

(1) "Game fish" means species that are desirable because of their sport and recreational value and that strike or bite at bait or artificial lures.

(2) "Nongame fish" means species that have no sporting value, predatory fish, bony or rough-fleshed fish, and other species whose numbers should be controlled to protect and encourage the propagation of game fish. (V.A.P.C. Art. 952l-11, Sec. 3 (part).)

**Sec. 66.211. Permits for Taking Rough Fish**

(a) The commission shall issue permits for the taking of nongame fish in salt water to control nongame fish and to provide for their use when the commission finds that the taking will not adversely affect the conservation of game fish.

(b) The permit may authorize the use of nets, seines, and other devices that are otherwise prohibited, except that the commission may not authorize the use of a net or other device, the use of which was unlawful on May 26, 1941, in water in which the use of a trammel net, set net, or gill net was unlawful on that date. The permit shall specify the species of fish permitted to be taken.

(c) An applicant for a permit must:

(1) be a citizen of the United States and have resided in this state continuously for a period of at least six months before the date of the application; and

(2) not have been convicted of a violation of any fishing law of this state for a period of two years before the date of the application.

(d) The department shall collect a fee of \$5 for the issuance of the permit.

(e) The permit is valid for one year from the date of its issuance unless it is revoked prior to its expiration.

(f) The department shall inspect, approve, and attach metal identification tags to all devices used under this section for taking fish. (V.A.P.C. Art. 952l-11, Sec. 3 (part).)

**Sec. 66.212. Holders of Rough Fish Permits: Offenses**

(a) No person holding a permit to take rough saltwater fish may:

(1) use a net or other device that the commission may not authorize for use in water covered by the exception in Section 66.211 of this code;

(2) use for the taking of fish any device without there being attached to it a metal identification tag issued by the department;

(3) use any device that would be prohibited except for the permit to take any game fish or any other species of fish not authorized to be taken by the permit; or

(4) use any device that would be prohibited except for the permit in any manner that will or does carelessly or needlessly injure marine life other than those species authorized to be taken by the permit.

(b) A holder of a permit who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. On conviction he may also have the permit revoked.

(c) An officer of the department who finds a device authorized by permit being used in violation of this section shall immediately seize the device and hold it until after the trial. During the prosecution for an offense under this section, the holder of the permit may not use any device authorized by the permit but otherwise prohibited by law. (V.A.P.C. Art. 952l-11, Sec. 3 (part), 4, 5.)

**Sec. 66.213. Possession of Illegal Nets and Seines**

(a) No person may possess a seine, strike net, gill net, or trammel net in or on the tidal water of this state where the use of the seine or net for the catching of fish is prohibited unless the seine or net is on board a vessel in port or in a channel and going to or from the Gulf of Mexico.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200, and the person's commercial fishing or dealer's license, or both, is subject to cancellation. A person whose license is cancelled under this section may not receive another license for one year from the date of the conviction. (V.A.P.C. Art. 952l-10, Sec. 2, 4.)

[Sections 66.214-66.300 reserved for expansion]

**SUBCHAPTER D. TEXAS TERRITORIAL WATER**

**Sec. 66.301. Definition**

In this subchapter, "coastal water" means all of the salt water of this state, including that portion of the Gulf of Mexico within the jurisdiction of this state. (V.A.C.S. Art. 4075b, Sec. 3(a) (part); Art. 4075c, Sec. 3(b).)

**Sec. 66.302. Licenses**

(a) Except as provided in Subsections (b) and (c) of this section, the department shall grant to or withhold from alien vessels licenses required for boats or vessels used in fishing or shrimping in the coastal water of this state on the basis of reciprocity or retortion.

(b) The department shall issue licenses to a vessel of a nation designated as a friendly ally or neutral on receipt of a formal suggestion transmitted to the governor by the Secretary of State of the United States.

(c) The department shall not issue a license to any boat or vessel owned in whole or in part by any alien power, or a subject or national of an alien power, or any individual who subscribes to the doctrine of international communism or who has signed a treaty of trade, friendship, and alliance or a nonaggression pact with any communist power. (V.A.C.S. Art. 4075c, Sec. 3(a).)

**Sec. 66.303. Prohibited Acts**

(a) No unlicensed alien vessel may take or attempt to take by any means or possess any natural resource of the coastal water of this state.

(b) A captain, master, or owner of any unlicensed alien vessel or boat who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for not more than one year, or both. (V.A.C.S. Art. 4075c, Sec. 4, 8.)

**Sec. 66.304. Port Authorities and Navigation Districts**

It is the duty of the port authorities and navigation districts of this state to prevent the use of any port facility in a manner that they reasonably suspect may assist in the violation of this subchapter. They shall use all reasonable means, including the inspection of nautical logs, to ascertain from masters of newly arrived vessels of all types, other than warships of the United States, the presence of alien commercial fishing

vessels within the coastal water of this state and shall promptly transmit the information to the department and to law enforcement agencies of this state as the situation may indicate. They shall request assistance from the United States Coast Guard in appropriate cases to prevent unauthorized departure from any port facility. (V.A.C.S. Art. 4075c, Sec. 5.)

**Sec. 66.305. Harbor Pilots**

All harbor pilots shall promptly transmit any knowledge coming to their attention regarding possible violations of this subchapter to the appropriate navigation district or port authority or the appropriate law enforcement officials. (V.A.C.S. Art. 4075c, Sec. 6.)

**Sec. 66.306. Enforcement**

All law enforcement agencies of the state, including agents of the department, are empowered and directed to arrest the masters and crews of vessels that are reasonably believed to be in violation of this chapter and to seize and detain the vessels and their equipment and catch. The arresting officer shall take the offending crews or property before the court having jurisdiction of the offense. The agencies are directed to request assistance from the United States Coast Guard in the enforcement of this Act when the agencies are without means to effectuate arrest and restraint of vessels and their crews operating in violation or probable violation of this subchapter. (V.A.C.S. Art. 4075c, Sec. 7.)

**Sec. 66.307. Political Asylum**

No crew member or master seeking bona fide political asylum shall be fined or imprisoned under this subchapter. (V.A.C.S. Art. 4075c, Sec. 9.)

**CHAPTER 67. NONGAME SPECIES**

**Section**

- 67.001. Regulations.
- 67.002. Management of Nongame Species.
- 67.003. Continuing Scientific Investigations.
- 67.004. Issuance of Regulations.
- 67.005. Penalty.

**CHAPTER 67. NONGAME SPECIES**

**Sec. 67.001. Regulations**

The department by regulation shall establish any limitations on the taking, possession, transportation, exportation, sale, and offering for sale of nongame fish and wildlife that the department considers necessary to manage these species. (V.A.P.C. Art. 913a, Sec. 2(b) (part).)

**Sec. 67.002. Management of Nongame Species**

The department shall develop and administer management programs to insure the continued ability of nongame species of fish and wildlife to perpetuate themselves successfully. (V.A.P.C. Art. 913a, Sec. 2(a) (part).)

**Sec. 67.003. Continuing Scientific Investigations**

The department shall conduct ongoing investigations of nongame fish and wildlife to develop information on populations, distribution, habitat needs, limiting factors, and any other biological or ecological data to determine appropriate management and regulatory information (V.A.P.C. Art. 913a, Sec. 2(a) (part).)

**Sec. 67.004. Issuance of Regulations**

(a) The regulations shall state the name of the species or subspecies, by common and scientific name, that the department determines to be in need of management under this chapter

(b) The department shall conduct a public hearing on all proposed regulations and shall publish notice of the hearing in at least three major newspapers of general circulation in this state at least one week before the date of the hearing.

(c) The department shall solicit comments on the proposed regulations at the public hearing and by other means.

(d) On the basis of the information received at the hearing or by other means, the department may modify a proposed regulation.

(e) Regulations become effective 60 days after the date they are proposed unless withdrawn by the department (V.A.P.C. Art. 913a, Sec. 2(a) (part), (b) (part) )

**Sec. 67.005. Penalty**

(a) A person who violates a regulation of the commission issued under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

(b) A person who violates a regulation of the commission issued under this chapter and who has been convicted on one previous occasion of a violation of a commission regulation under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$2,000 nor more than \$500, or by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) A person who violates a regulation of the commission issued under this chapter and who has been convicted on two or more previous occasions of a violation of commission regulations under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$500 nor more than \$2,000 and by confinement in jail for not less than six months nor more than one year. (V.A.P.C. Art. 913a, Sec. 22.)

**CHAPTER 68. ENDANGERED SPECIES**

**Section**

- 68.001. Definitions.
- 68.002. Endangered Species.
- 68.003. Statewide Extinction List.
- 68.004. Amendments to List by Director
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**CHAPTER 68. ENDANGERED SPECIES**

**Sec. 68.001. Definitions**

In this chapter:

- (1) "Fish or wildlife" means any wild mammal, aquatic animal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, product, egg, or offspring, of any of these, dead or alive.
- (2) "Management" means:
  - (A) the collection and application of biological information for the purpose of increasing the number of individuals within species or populations of fish or wildlife up to the optimum carrying capacity of their habitat and maintaining these numbers;
  - (B) the entire range of activities constituting a full scientific research program, including census studies, law enforcement, habitat acquisition and improvement, and education; and
  - (C) when and where appropriate, the protection of and regulation of the taking of fish and wildlife species and populations. (V.A.P.C. Art. 913a, Sec. 1 (part).)

**Sec. 68.002. Endangered Species**

Species of fish or wildlife are endangered if listed on:

- (1) the United States List of Endangered Foreign Fish and Wildlife as in effect on August 27, 1973 (50 C.F.R. Part 17, Appendix A);
- (2) the United States List of Endangered Native Fish and Wildlife as in effect on August 27, 1973 (50 C.F.R. Part 17, Appendix D); or
- (3) the list of fish or wildlife threatened with statewide extinction as filed by the director of the department. (V.A.P.C. Art. 913a, Sec. 3.)

**Sec. 68.003. Statewide Extinction List**

(a) The director shall file with the secretary of state a list of fish or wildlife threatened with statewide extinction.

(b) Fish or wildlife may be classified by the director as threatened with statewide extinction if the department finds that the continued existence of the fish or wildlife is endangered due to:

- (1) the destruction, drastic modification, or severe curtailment of its habitat;
- (2) its overutilization for commercial or sporting purposes;

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- (3) disease or predation; or
- (4) other natural or man-made factors (V.A.P.C. Art. 913a, Sec. 4.)

**Sec. 68.004. Amendments to List by Director**

(a) If the lists of endangered species issued by the United States are modified, the director shall file an order with the secretary of state accepting the modification. The order is effective immediately.

(b) The director may amend the list of species threatened with statewide extinction by filing an order with the secretary of state. The order is effective on filing.

(c) The director shall give notice of the intention to file a modification order under Subsection (b) of this section at least 60 days before the order is filed. The notice must contain the contents of the proposed order.

(d) If a reclassification petition is filed during the 60-day notice period required by Subsection (c) of this section, the order may not be filed until the conclusion of the proceeding on reclassification. (V.A.P.C. Art. 913a, Sec. 6.)

**Sec. 68.005. Petition of Reclassification**

(a) Three or more persons may petition the department to add or delete species of fish or wildlife from the statewide extinction list.

(b) The petition must present substantial evidence for the addition or deletion.

(c) If fewer than 50 people join in the petition, the department may refuse to review the classification list, but if 50 or more persons join in the petition, the department shall conduct a hearing to review the classification list. The hearing shall be open to the public, and notice of the hearing shall be given in at least three major newspapers of general circulation in the state at least one week before the date of the hearing.

(d) Based on the findings at the hearing, the department may file an order with the secretary of state altering the list of fish or wildlife threatened with statewide extinction. The order takes effect on filing. (V.A.P.C. Art. 913a, Sec. 7.)

**Sec. 68.006. Permit for Taking Endangered Species**

The provisions of Subchapter C, Chapter 43, of this code are applicable to all fish or wildlife classified as endangered, and it is a violation of this chapter to possess, take, or transport endangered fish or wildlife for zoological gardens or scientific purposes or to take or transport endangered fish or wildlife from their natural habitat for propagation for commercial purposes without the permit required by Section 43.022 of this code or a federal permit. (V.A.P.C. Art. 913a, Sec. 9(a).)

**Sec. 68.007. Propagation Permit Required**

No person may possess endangered fish or wildlife for the purpose of propagating them for sale unless he has first acquired a commercial propagation permit issued by the department under this chapter. (V.A.P.C. Art. 913a, Sec. 10.)

**Sec. 68.008. Original Propagation Permit**

(a) A person may apply for an original propagation permit by submitting an application containing information or statements as required by



the department and by submitting an original propagation permit fee of \$300.

(b) The department shall issue the permit if it determines that the applicant has complied with Subsection (a) of this section, that the initial breeding stock was acquired under a permit issued under Section 43.022 of this code or was otherwise legally acquired, and that the applicant has not violated the laws of the United States, this state, or another state with respect to the acquisition of breeding stock.

(c) An original propagation permit must contain a description of endangered fish and wildlife authorized to be possessed under the permit.

(d) An original propagation permit is valid for one year from the date of its issuance. (V.A.P.C. Art. 913a, Sec. 11.)

#### **Sec. 68.009. Renewal Propagation Permit**

(a) A person holding an original propagation permit or a renewal propagation permit is entitled to receive from the department a renewal propagation permit on application to the department and on the payment of a renewal propagation permit fee of \$550 if the application and fee are received by the department during the period beginning 10 days before the expiration date of the outstanding permit and extending through the expiration date of the permit.

(b) A renewal propagation permit is valid for a period of three years beginning on the date of its issuance.

(c) The department may refuse to renew any permit if it determines that it would be in the best interest of the species of fish or wildlife described in the permit. (V.A.P.C. Art. 913a, Sec. 12.)

#### **Sec. 68.010. Reports by Permittee**

A person holding a commercial propagation permit shall send to the department annually:

(1) a written evaluation by a veterinarian licensed to practice in this state of the physical conditions of the propagation facilities and the conditions of the fish or wildlife held under the permit; and

(2) a written report on forms prepared by the department relating to propagation activities during the previous year. (V.A.P.C. Art. 913a, Sec. 13.)

#### **Sec. 68.011. Refusal or Cancellation of Permit**

(a) If, on the basis of the reports required by Section 68.010 of this code or an investigation or inspection by an authorized employee of the department, the department finds that a permit holder is improperly caring for or handling the fish or wildlife held under the permit, the department shall give written notice of the objectionable actions or conditions to the permit holder.

(b) If the department finds that the improper caring for or handling of the fish or wildlife is detrimental to the fish or wildlife and immediate protection is needed, the department may seize the fish or wildlife and authorize proper care pending the correction of the improper conditions or actions. (V.A.P.C. Art. 913a, Sec. 14.)

#### **Sec. 68.012. Appeal**

(a) A person aggrieved by the action of the department in refusing to grant or renew a commercial propagation permit or in cancelling a per-

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mit may appeal within 20 days of the final action of the department to a district court of Travis County or the county of his residence.

(b) The appeal shall be by trial de novo as are appeals from the justice court to the county court. (V.A.P.C. Art. 913a, Sec. 15.)

**Sec. 68.013. Disposition of Fish or Wildlife**

A person who ceases to hold a commercial propagation permit under this chapter shall dispose of endangered fish or wildlife held after the expiration or cancellation of the permit in the manner required by the department. (V.A.P.C. Art. 913a, Sec. 16.)

**Sec. 68.014. Regulations**

The department shall make regulations necessary to administer the provisions of this chapter and to attain its objectives, including regulations to govern:

- (1) permit application forms, fees, and procedures;
- (2) hearing procedures;
- (3) procedures for identifying endangered fish and wildlife or goods made from endangered fish or wildlife which may be possessed, propagated, or sold under this chapter; and
- (4) publication and distribution of lists of species and subspecies of endangered fish or wildlife and their products. (V.A.P.C. Art. 913a, Sec. 17.)

**Sec. 68.015. Prohibited Acts**

(a) No person may possess, sell, distribute, or offer or advertise for sale endangered fish or wildlife unless the fish or wildlife have been lawfully born and raised in captivity for commercial purposes under the provisions of this chapter or federal law.

(b) No person may possess, sell, distribute, or offer or advertise for sale any goods made from endangered fish or wildlife unless the goods were made from fish or wildlife that were born and raised in captivity for commercial purposes under the provisions of this chapter or federal law.

(c) No person may sell, advertise, or offer for sale any species of fish or wildlife not classified as endangered under the name of any endangered fish or wildlife. (V.A.P.C. Art. 913a, Sec. 19(a), (b); Sec. 8.)

**Sec. 68.016. Sold Species to be Tagged**

No person may sell endangered fish or wildlife or goods made from endangered fish or wildlife unless the fish or wildlife or goods are tagged or labeled in a manner to indicate compliance with Section 68.015(a) and (b) of this code. (V.A.P.C. Art. 913a, Sec. 19(c).)

**Sec. 68.017. Seizure of Fish or Wildlife**

(a) A peace officer who has arrested a person for a violation of this chapter may seize fish or wildlife or goods made from fish or wildlife taken, possessed, or made in violation of this chapter.

(b) Property taken under this section shall be delivered to the department for holding pending disposition of the court proceedings. If the court determines that the property was taken, possessed, or made in violation of the provisions of this chapter, the department may dispose of the property under its regulations. The costs of the department in hold-

ing seized fish or wildlife during the pendency of the proceedings may, in appropriate cases, be assessed against the defendant. (V.A.P.C. Art. 913a, Sec. 21(c), (d).)

**Sec. 68.018. Disposition of Funds; Appropriations**

(a) All revenue received under this chapter shall be deposited in the state treasury to the credit of the general revenue fund.

(b) Funds for the administration of this chapter may be appropriated from the general revenue fund. (V.A.P.C. Art. 913a, Sec. 18, 24.)

**Sec. 68.019. Applicability of Chapter**

All species and subspecies of wildlife classified as endangered are governed by this chapter to the exclusion of other regulatory and licensing laws. (V.A.P.C. Art. 913a, Sec. 23.)

**Sec. 68.020. Exceptions**

(a) This chapter does not apply to:

- (1) coyotes (prairie wolves);
- (2) cougars;
- (3) bobcats;
- (4) prairie dogs;
- (5) red foxes; or

(6) animals, fish, or fowl that are privately owned or to the management or taking of privately owned animals, fish, or fowl by the private owners.

(b) This chapter does not apply to the possession of mounted or preserved endangered fish or wildlife acquired before August 31, 1973, by public or private nonprofit educational, zoological, or research institutions. The department may require an institution to furnish a list of mounted or preserved fish or wildlife possessed and proof of the time of acquisition. (V.A.P.C. Art. 913a, Sec. 20, 9(f).)

**Sec. 68.021. Penalty**

(a) A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

(b) A person who violates any provision of this chapter and who has been convicted on one previous occasion of a violation of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$500, or by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) A person who violates any provision of this chapter and who has been convicted on two or more previous occasions of a violation of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$500 nor more than \$2,000 and by confinement in jail for not less than six months nor more than one year.

(d) A violation of a regulation of the department issued under the authority of this chapter is a violation of this chapter. (V.A.P.C. Art. 913a, Sec. 22.)

## SUBTITLE C. FUR-BEARING ANIMALS

### CHAPTER 71. LICENSES

#### Section

- 71.001. Definitions.
- 71.002. Trapper's License Required.
- 71.003. Propagation License.
- 71.004. Beaver and Otter Trapping License.
- 71.005. Wholesale and Retail Fur Buyer's Licenses.
- 71.006. Purchases by Retail Fur Buyer.
- 71.007. Purchases by Wholesale Fur Buyer.
- 71.008. Issuance of Licenses.
- 71.009. License Fees.
- 71.010. License Period.
- 71.011. Possession and Display of Licenses.
- 71.012. Inspections.
- 71.013. Fees of Issuing Agents.
- 71.014. Taking of Fur-Bearing Animals for Propagation; Reports.
- 71.015. Penalties.

## SUBTITLE C. FUR-BEARING ANIMALS

### CHAPTER 71. LICENSES

#### Sec. 71.001. Definitions

In this subtitle:

- (1) "Fur-bearing animal" means wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, or civet cat.
- (2) "Trapper" means a person who takes the pelt of a fur-bearing animal for the purpose of sale and who sells or offers for sale the pelt of a fur-bearing animal of this state.
- (3) "Retail fur buyer" means a person who purchases the pelt of a fur-bearing animal of this state from trappers only.
- (4) "Wholesale fur buyer" means a person who purchases for himself or for another person the pelt of a fur-bearing animal of this state from a trapper or from a retail fur buyer.
- (5) "Resident" means a person who has resided in this state for at least two years prior to the time an application for a trapper's license is made.
- (6) "Nonresident" means any person applying for a trapper's license other than a resident. (P.C. Art. 923m (part); V.A.P.C. Art. 923qa, Sec. 1.)
- (7) "Sale" includes barter and other transfers of ownership for consideration. (New.)

#### Sec. 71.002. Trapper's License Required

No person may take the pelt of a fur-bearing animal for the purpose of sale without first having acquired a trapper's license. (V.A.P.C. Art. 923qa, Sec. 2 (part).)

**Sec. 71.003. Propagation License**

No person may take alive a wild fur-bearing animal for the purpose of sale without first having acquired a propagation license. (V.A.P.C. Art. 923q, Sec. 9 (part).)

**Sec. 71.004. Beaver and Otter Trapping License**

In addition to the other licenses required in this chapter, no person may trap beaver or otter outside the county of his residence without first having acquired a beaver-otter trapping license. (V.A.P.C. Art. 923qa-7, Sec. 1 (part).)

**Sec. 71.005. Wholesale and Retail Fur Buyer's Licenses**

No person may purchase the pelt of a fur-bearing animal in this state unless he has acquired and possesses a valid wholesale fur buyer's license or a valid retail fur buyer's license. (V.A.P.C. Art. 923qa, Sec. 2 (part), Sec. 6 (part).)

**Sec. 71.006. Purchases by Retail Fur Buyer**

No retail fur buyer may purchase in this state the pelt of a fur-bearing animal except from a licensed trapper. (V.A.P.C. Art. 923qa, Sec. 2 (part), Sec. 6 (part).)

**Sec. 71.007. Purchases by Wholesale Fur Buyer**

No wholesale fur buyer may purchase in this state the pelt of a fur-bearing animal except from a licensed trapper, a licensed retail fur buyer, or another licensed wholesale fur buyer. (V.A.P.C. Art. 923qa, Sec. 2 (part), Sec. 6 (part).)

**Sec. 71.008. Issuance of Licenses**

The licenses authorized by this chapter shall be issued by the department, or an authorized agent of the department, to applicants on the payment of the license fees. (V.A.P.C. Art. 923qa, Sec. 2 (part).)

**Sec. 71.009. License Fees**

- (a) The fee for a trapper's license is \$5 if the applicant is a resident and \$200 if the applicant is a nonresident.
- (b) The fee for a propagation license is \$10.
- (c) The fee for a beaver-otter trapping license is \$50.
- (d) The fee for a retail fur buyer's license is \$5.
- (e) The fee for a wholesale fur buyer's license is \$25. (V.A.P.C. Art. 923q, Sec. 9 (part); Art. 923qa-7, Sec. 1 (part); Art. 923qa, Sec. 2 (part).)

**Sec. 71.010. License Period**

The license period for licenses issued under this chapter is September 1 of one year through August 31 of the following year, and a license is current and valid only for the license period for which it is issued. (V.A.P.C. Art. 923qa, Sec. 2 (part) and Art. 923q, Sec. 9 (part).)

**Sec. 71.011. Possession and Display of Licenses**

- (a) A trapper shall carry the trapper's license on his person while taking fur-bearing animals.

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(b) A wholesale fur buyer or a retail fur buyer shall carry on his person the required license while conducting business at a place other than an established place of business.

(c) A wholesale fur buyer or a retail fur buyer shall display the required license at all times at the established place of business for which the license is issued. (V.A.P.C. Art. 923qa, Sec. 4 (part).)

**Sec. 71.012. Inspections**

The established place of business of any wholesale or retail fur buyer and any vehicle being used by a trapper or a wholesale or retail fur buyer for the collection or transportation of pelts of fur-bearing animals is subject to inspection without a warrant by game management officers at any time. (V.A.P.C. Art. 923qa, Sec. 4 (part).)

**Sec. 71.013. Fees of Issuing Agents**

County clerks and other authorized agents of the department may retain 20 cents of the fee for the issuance of a trapper's license or a retail or wholesale fur buyer's license and 50 cents of the fee for the issuance of a beaver-otter trapper's license as a collection fee. (V.A.P.C. Art. 923qa, Sec. 3 (part); Art. 923qa-7, Sec. 1 (part).)

**Sec. 71.014. Taking of Fur-Bearing Animals for Propagation; Reports**

(a) A person holding a propagation license permit may take alive fur-bearing animals only during the open season for the taking of fur-bearing animals.

(b) The holder of a propagation license shall report to the department on or before March 16 each year. The report must show the number and kind of fur-bearing animals held in captivity and the number and kind of fur-bearing animals and pelts disposed of during the previous year. (V.A.P.C. Art. 923q, Sec. 9 (part).)

**Sec. 71.015 Penalties**

(a) Except as provided in another subsection of this section, a person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(b) A person who violates Section 71.004 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

(c) A person who violates Section 71.003 of this code or who fails to comply with Section 71.014 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(d) A person subject to sentencing under Subsection (a) or (c) of this section forfeits his license and becomes ineligible to acquire another until one year after the date of his conviction, if the jury, or the court in the absence of a jury, assesses forfeiture.

(e) A person who is sentenced under Subsection (c) of this section forfeits his license under Subsection (d) of this section, and if he takes, sells, offers for sale, buys, or offers to buy a fur-bearing animal or pelt during the period he is ineligible to acquire another license, he is guilty of a misdemeanor and on conviction is punishable by a fine of not less

than \$10 nor more than \$100 and is ineligible to acquire a license for a period of one year from the date of his conviction if so assessed by the jury or court. (V.A.P.C. Art. 923qa, Sec. 7; Art. 923q, Sec. 12; Art. 923qa-7, Sec. 3.)

## CHAPTER 72. LIMITATIONS ON TAKING FUR-BEARING ANIMALS

### Section

- 72.001. Taking During Open Season.
- 72.002. Open Seasons.
- 72.003. Possession of Green Pelt.
- 72.004. Hunting Mink With Dogs.
- 72.005. Trapping Without Consent of Landowner.
- 72.006. Protection of Muskrats.
- 72.007. Penalties.

## CHAPTER 72. LIMITATIONS ON TAKING FUR-BEARING ANIMALS

### Sec. 72.001. Taking During Open Season

No person may take or attempt to take the pelt of a fur-bearing animal for the purpose of sale at any time except during the open season. A person may take fur-bearing animals at any time if the taking is for any purpose other than the sale of the pelt. (V.A.P.C. Art. 923m-1, Sec. 2 (part).)

### Sec. 72.002. Open Seasons

The open seasons for the taking of pelts of fur-bearing animals are:

- (1) muskrat, from November 15 of one year through March 15 of the following year;
- (2) mink, from November 15 of one year through January 15 of the following year; and
- (3) all other fur-bearing animals, during all of January and December of each year. (V.A.P.C. Art. 923m-1, Sec. 2 (part).)

### Sec. 72.003. Possession of Green Pelt

(a) The possession of a green or undried pelt of a fur-bearing animal after the time specified by this section by a trapper or a retail fur buyer is prima facie evidence of a violation of Section 72.001 of this code.

(b) The times are:

- (1) for all fur-bearing animals except muskrat:
  - (A) February 5 of any year by a licensed resident or nonresident trapper;
  - (B) February 15 of any year by a licensed retail fur buyer;and
- (2) for muskrat:
  - (A) March 20 of any year for a licensed resident or nonresident trapper;
  - (B) March 30 of any year by a licensed retail fur buyer.

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**Sec. 72.004.    Hunting Mink With Dogs**

- (a) No person may hunt or take wild mink with dogs.
- (b) No person may possess the pelt of a mink while hunting with dogs. (V.A.P.C. Art. 923m-1, Sec. 4 (part).)

**Sec. 72.005.    Trapping Without Consent of Landowner**

No person may set a trap or deadfall on any enclosed land without the consent of the owner. Enclosed land is land enclosed by a fence, water, or other natural or artificial barrier, or a combination of barriers used by the owner as a method of enclosure. (V.A.P.C. Art. 923r; Art. 923t.)

**Sec. 72.006.    Protection of Muskrats**

- (a) No person may destroy the bed, nest, or breeding place of a muskrat or take a muskrat by any means except trapping.
- (b) No person may trap, kill, or set a trap for a muskrat on land of another without the consent of the owner or lessee of the land.
- (c) No person may possess the hide of a muskrat on land of another without the consent of the owner or lessee of the land unless the hide was lawfully taken and legally belongs to the person having possession of it.
- (d) No person may purchase the hide or fur of a muskrat on the land of another.
- (e) This section does not prevent the owner of land from taking muskrats at any time by any means. (V.A.P.C. Art. 923ss; Art. 923rr; Art. 923s.)

**Sec. 72.007.    Penalties**

- (a) A person who violates Section 72.001 or 72.003 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.
- (b) A person who violates Section 72.004, 72.005, or 72.006 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (V.A.P.C. Art. 923m-1, Sec. 5; Art. 923vv.)

**SUBTITLE D.    CRUSTACEANS AND MOLLUSKS**

**CHAPTER 76.    OYSTERS**

**SUBCHAPTER A.    PUBLIC AND PRIVATE OYSTER BEDS**

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- 76.002.    Designation of Public and Private Beds.**
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- 76.004.    Riparian Rights.**
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- 76.011. Survey Markings and Buoys.
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## **SUBTITLE D. CRUSTACEANS AND MOLLUSKS**

### **CHAPTER 76. OYSTERS**

#### **SUBCHAPTER A. PUBLIC AND PRIVATE OYSTER BEDS**

##### **Sec. 76.001. Natural Oyster Bed**

(a) A natural oyster bed exists when at least five barrels of oysters are found within 2,500 square feet of any position on a reef or bed.

(b) In this section, a barrel of oysters is equal to three boxes of oysters in the shell. The dimensions of a box are 10 inches by 20 inches by 13-½ inches. In filling a box for measurement, the oysters may not be piled more than 2-½ inches above the height of the box at the center. Two gallons of shucked oysters without shells equals one barrel of oysters in the shell. (R.S. Art. 4027 (part); P.C. Art. 960 (part).)

##### **Sec. 76.002. Designation of Public and Private Beds**

(a) All natural oyster beds are public.

(b) All oyster beds not designated as private are public. (P.C. Art. 960 (part); R.S. Art. 4027 (part).)

##### **Sec. 76.003. Beds Subject to Location**

Except as provided in Section 76.004 of this code, an oyster bed or reef, other than a natural oyster bed, is subject to location by the department. This section does not apply to a bed or reef that has been exhausted within an eight-year period. (P.C. Art. 960 (part); R.S. Art. 4027 (part).)

##### **Sec. 76.004. Riparian Rights**

(a) The lawful occupant of a grant of land in this state has the exclusive right to use any creek, bayou, lake, or cove included within the metes and bounds of the original grant for the planting or sowing of oysters.

(b) If the creek, bayou, lake, or cove is not included in the original grant, a riparian owner has an exclusive right in the creek, bayou, lake, or cove for the planting and sowing of oysters to the middle of the creek, bayou, lake, or cove or to 100 yards from the shore, whichever distance is shorter.

(c) The right of a riparian owner of land along any bay shore in this state to plant oysters extends 100 yards into the bay from the high-water mark or from where the land survey ceases. The right to a natural

oyster bed under this subsection is not exclusive. (R.S. Art. 4028 (part); P.C. Art. 961 (part).)

**Sec. 76.005. Affidavit of Riparian Rights**

(a) The department may require the owner of riparian rights described in Section 76.004 of this code when offering oysters for sale to make an affidavit stating that the oysters were produced on his property.

(b) The failure of an owner of riparian rights described in Section 76.004(a) of this code to have an affidavit when required by the department or to show it to a game management officer on request or to the person to whom the oysters are offered for sale when required by the department is prima facie evidence that the oysters were produced from public beds. (P.C. Art. 961 (part); R.S. Art. 4028 (part).)

**Sec. 76.006. Application for Location; Fee**

(a) Any citizen of the United States or any domestic corporation may file a written application with the department for a certificate authorizing the applicant to plant oysters and make a private oyster bed in the public water of the state.

(b) The application must describe the location desired.

(c) The application must be accompanied by a fee of \$20. (R.S. Art. 4035.)

**Sec. 76.007. Maximum Acreage Under Location**

No person may own, lease, or control more than 100 acres of land covered by water under certificates of location. (R.S. Art. 4039 (part).)

**Sec. 76.008. Lease or Control by Foreign Corporation Prohibited**

No corporation other than those incorporated under the laws of this state may lease or control land under a certificate of location. (R.S. Art. 4039 (part).)

**Sec. 76.009. Examination and Survey of Location**

(a) On receipt of an application for a location, the department shall examine the proposed location as soon as practicable by any efficient means.

(b) If the location is subject to certification, the department shall have the location surveyed by a competent surveyor. (R.S. Art. 4036 (part).)

**Sec. 76.010. Areas Not Subject to Location**

The following areas are not subject to location:

- (1) a natural oyster bed;
- (2) a bay shore area within 100 yards of the shore;
- (3) an area subject to an exclusive riparian right; and
- (4) an area already under certification as a location. (R.S. Art. 4036 (part).)

**Sec. 76.011. Survey Markings and Buoys**

(a) In making a location, the surveyor shall plant two iron stakes or pipes having a diameter of not less than two inches on the shoreline nearest to the proposed location, so that one stake or pipe is at each end

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of the location. The stakes or pipes shall be set at least three feet in the ground and with reference to bearings of at least three permanent objects or natural landmarks.

(b) The locator shall place and maintain, under the direction of the department, a buoy at each corner of the location farthest from the land. (R.S. Art. 4036 (part).)

**Sec. 76.012. Locator's Certificate**

(a) The department shall issue to each locator a certificate signed and sealed by the director.

(b) The certificate must contain:

(1) the date of the application;

(2) the date of the survey; and

(3) a description of the location by metes and bounds with reference to points of the compass and natural objects by which the location may be found and verified. (R.S. Art. 4037 (part).)

**Sec. 76.013. Survey Fee**

(a) Before delivery of the certificate, the locator shall pay to the department the surveyor's fee and other costs of establishing the location.

(b) The amount of the fee required by Section 76.006(c) of this code may be deducted from the amount owed to the department under this section.

(c) If the amount paid under Section 76.006(c) of this code exceeds the amount owed under this section, the difference shall be returned to the locator. (R.S. Art. 4037 (part).)

**Sec. 76.014. Filing of Certificate**

(a) Before the expiration of 60 days following the date of the certificate, the locator shall file the certificate with the county clerk of the county of the location.

(b) The clerk shall file the certificate in a well-bound book kept for that purpose and shall return the original certificate and a registration receipt to the locator. The clerk is entitled to receive as a fee for filing the certificate the same fee as for recording deeds.

(c) The original certificate and certified copies of it are admissible in court under the same rules governing the admissibility of deeds and certified copies of deeds. (R.S. Art. 4037 (part).)

**Sec. 76.015. Rights of Locator**

(a) The holder of a certificate of location as provided for in Section 76.012 of this code is protected in his possession of the location against trespass in the same manner as are freeholders.

(b) This section applies only as long as the stakes or pipes and buoys required by this chapter are maintained in their correct positions and the locator complies with the law and the regulations governing the fish and oyster industries. (R.S. Art. 4038.)

**Sec. 76.016. Fencing of Location**

A locator or his assignee may fence all or part of his location if the fence does not obstruct navigation into or through a regular channel or cut leading to other public water. (R.S. Art. 4040 (part).)

**Sec. 76.017. Location Rental**

(a) No rental fee is owed on any location when oysters are not sold or marketed from the location for a period of five years after the date of the establishment of the location.

(b) When oysters are sold or marketed from the location and thereafter, the holder of the certificate shall pay to the department \$1.50 per acre of location per year and two cents for each barrel of cysters from the location sold.

(c) Rental fees are due annually by March 1.

(d) The failure to pay any rental when due terminates the lease. (R. S. Art. 4041 (part).)

**Sec. 76.018. Oyster Production Required**

If oysters from the location are not sold or marketed within five years from the date of the establishment of the location, the lease is void. (R. S. Art. 4041 (part).)

[Sections 76.019–76.030 reserved for expansion]

**SUBCHAPTER B. OYSTER PERMITS****Sec. 76.031. Application for Permit**

(a) A person desiring to plant oysters on his own location or to take oysters from oyster reefs and public water shall apply to the department for an oyster permit.

(b) Only those persons who are citizens of Texas or corporations composed of American citizens and chartered by this state to engage in the culture of oysters or to transact business in the purchase and sale of fish and oysters may apply for a permit.

(c) The application must:

(1) state the purpose for taking oysters; and

(2) give the quantity of oysters to be taken from designated areas.

(R.S. Art. 4042 (part).)

**Sec. 76.032. Discretion to Issue Permit**

The department may issue or refuse to issue a permit to any applicant. (R.S. Art. 4042 (part).)

**Sec. 76.033. Conditions of Permit**

(a) The department shall require the permittee to take only the oysters authorized in the permit from beds or reefs designated in the permit.

(b) The department shall:

(1) mark off the exact area of beds or reefs from which oysters may be taken;

(2) designate the bottoms on which oysters may be deposited if they are taken to be prepared for market;

(3) require the permittee to cull the oysters on the grounds where they are to be located; and

(4) specify what implements may be used in taking oysters.

(c) The department may make other conditions or regulations to protect and conserve oysters on public reefs and beds. (R.S. Art. 4042 (part).)

**Sec. 76.034. Minimum Size**

No permittee may take oysters of a smaller size than 3-½ inches from hinge to mouth unless authorized by the department. (R.S. Art. 4042 (part).)

**Sec. 76.035. Oysters Property of Permittee**

All oysters taken or deposited in public water by the holder of an oyster permit under the terms of a permit are the personal property of the permit holder. (R.S. Art. 4042 (part).)

**Sec. 76.036. Marking Beds**

(a) The holder of a permit shall clearly and distinctly mark, by buoys, stakes, or fences, the boundaries of the areas designated in the permit from which he may take or in which he may deposit oysters.

(b) No person may be prosecuted for taking oysters from the bed of a permittee unless the boundaries are established and maintained as provided in this section. (R.S. Art. 4042 (part).)

**Sec. 76.037. Theft of Oysters From Private Bed**

(a) No person may fraudulently take oysters placed on private beds without the consent of the owner of the private bed or from beds or deposits made for the purpose of preparing oysters for market without the consent of the owner of the oysters who lawfully deposited them.

(b) A person who violates this section is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not less than one nor more than two years. (P.C. Art. 962.)

**Sec. 76.038. Interference With Buoys or Markers**

(a) No person may deface, injure, destroy, or remove a buoy, marker, or fence used to designate or enclose a private oyster bed or location where oysters have been deposited for preparation for market without the consent of the owner of the bed or location.

(b) No person may deface, injure, destroy, or remove a buoy, marker, or sign of the department used for designating water closed for the taking of fish or oysters without the consent of the department.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 959.)

**Sec. 76.039. Prohibited Sales**

(a) No person gathering oysters for planting or for depositing for market preparation on locations or on private oyster beds may sell, market, or dispose of the oysters gathered, at the time they are gathered, for any other purpose than planting or preparing for market.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

(c) This section does not affect the right of a person to sell or assign an oyster location or private bed. (P.C. Art. 970.)

[Sections 76.040–76.100 reserved for expansion]

## SUBCHAPTER C. OYSTER DREDGE LICENSE

**Sec. 76.101. Oyster Dredge License Required**

No person may take or attempt to take oysters from the public water of this state by the use of a dredge without first having acquired an oyster dredge license from the department. (V.A.P.C. Art. 962a, Sec. 1 (part).)

**Sec. 76.102. Exemptions From License**

An oyster dredge license is not required if the boat taking the oysters is licensed as a commercial bay or bait shrimp boat. (V.A.P.C. Art. 962a, Sec. 1 (part).)

**Sec. 76.103. Types of Licenses; Period of Validity**

(a) The department may issue commercial oyster dredge licenses and sports oyster dredge licenses.

(b) An oyster dredge license expires on August 31 following the date of its issuance or on August 31 of the yearly period for which it is issued. (V.A.P.C. Art. 962a, Sec. 1 (part), 2 (part), 3 (part).)

**Sec. 76.104. License Fees**

(a) The fee for a commercial oyster dredge license is \$25.

(b) The fee for a sports oyster dredge license is \$5. (V.A.P.C. Art. 962a, Sec. 2 (part), 3 (part).)

**Sec. 76.105. Commercial License: Dredge Size**

No holder of a commercial oyster dredge license may use more than one dredge which may not exceed 36 inches in width. (V.A.P.C. Art. 962a, Sec. 2 (part).)

**Sec. 76.106. Sports License: Dredge Size**

No holder of a sports oyster dredge license may use more than one dredge which may not exceed 14 inches in width. (V.A.P.C. Art. 962a, Sec. 3 (part).)

**Sec. 76.107. Sale of Sports Oysters Prohibited**

No person may sell oysters taken under the authority of a sports oyster dredge license. (V.A.P.C. Art. 962a, Sec. 3 (part).)

**Sec. 76.108. Open Season**

(a) No person may take oysters from public beds or reefs except during the open season or except by permit issued by the department.

(b) The open season is the period beginning on November 1 of one year and extending through April 30 of the following year.

(c) There is no closed season in that part of Laguna Madre and abutting water south of the Port Mansfield Channel. (V.A.P.C. Art. 962a, Sec. 4.)

**Sec. 76.109. Night Dredging Prohibited**

During the open season, no person may take oysters from public water during the period between sunset and sunrise. (V.A.P.C. Art. 962a, Sec. 5.)

**Sec. 76.110. Number and Description of Dredges**

(a) No person may possess on board any commercial fishing boat, barge, float, or other vessel more than one oyster dredge. If a vessel is towing another vessel, the towing and towed vessels combined may not have on board more than one dredge.

(b) No person may possess on board any commercial fishing boat, barge, float, or other vessel, or any combination of vessels in tow, a dredge:

- (1) exceeding 36 inches in width across the mouth; or
- (2) having a capacity of more than two bushels. (V.A.P.C. Art. 962a, Sec. 7 (part).)

**Sec. 76.111. Retention Limits**

(a) No person may have on board any vessel in the public water of this state, or on any combination of vessels in tow, more than 50 barrels of culled oysters of the legal size.

(b) A barrel is equal to three bushels. (V.A.P.C. Art. 962a, Sec. 7 (part).)

**Sec. 76.112. Oyster Size Limits**

(a) No person may take or possess a cargo of oysters more than five percent of which are between three-fourths inch and three inches measured from beak to bill or along an imaginary line through the long axis of the shell.

(b) A cargo of undersized oysters shall be determined by taking at random five percent of the total cargo of oysters as a sample, of which not more than five percent may measure less than three inches along an imaginary straight line through the long axis of the shell. (V.A.P.C. Art. 962a, Sec. 8 (part).)

**Sec. 76.113. Culling Oysters**

(a) No person may fail or refuse to cull oysters between three-fourths inches and three inches measured as provided in Section 76.112 of this code at the time the oysters are taken or to fail or refuse to return culled oysters to the reef immediately.

(b) No person may possess more than one bushel of uncultured oysters during the period he is on the reef.

(c) Uncultured oysters shall be kept separate from culled oysters.

(d) If returning undersized oysters to the bed from which they were taken is impractical, the department may sell them. (V.A.P.C. Art. 962a, Sec. 8 (part).)

**Sec. 76.114. Exception to Size and Retention Limits**

(a) The commission by permit may allow the use of one or more dredges of any size and cargoes in excess of 50 barrels in transplanting to or harvesting from private leases.

(b) The commission by permit may allow the taking and retention of cargoes having oysters between three-fourths inch and three inches in a greater percentage than five percent. (V.A.P.C. Art. 962a, Sec. 7 (part), 8 (part).)



**Sec. 76.115. Closing Areas**

(a) The commission may close an area to the taking of oysters when the commission finds that the area is being overworked or damaged or the area is to be reseeded or restocked.

(b) The commission may open closed areas when appropriate.

(c) Before closing any area, the commission shall post notices of the closing in fish and oyster houses in two towns nearest the area to be closed. The notice shall be posted at least two weeks before the date of the closing. (V.A.P.C. Art. 962a, Sec. 6.)

**Sec. 76.116. Oysters From Polluted Areas**

(a) There is no open season for taking oysters from areas declared to be polluted by the State Department of Health.

(b) The department may authorize by permit the transplanting of oysters from polluted areas to private oyster leases.

(c) A person removing oysters from polluted areas without a permit shall replace the oysters in the beds from which they were taken as directed by authorized employees of the department. (V.A.P.C. Art. 962a, Sec. 6A, 8 (part).)

**Sec. 76.117. Obedience to Orders**

No person may fail or refuse to obey a lawful order of a commissioned game management officer of the department issued under the authority of this chapter. (V.A.P.C. Art. 962a, Sec. 8 (part).)

**Sec. 76.118. Penalty**

A person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of a continuing violation constitutes a separate offense. (V.A.P.C. Art. 962a, Sec. 11.)

[Sections 76.119–76.200 reserved for expansion]

**SUBCHAPTER D. SHELLFISH IN POLLUTED WATER****Sec. 76.201. Definitions**

In this subchapter:

(1) "Shellfish" means oysters, clams, and mussels, either fresh or frozen and either shucked or in the shell.

(2) "Polluted area" means an area that is continuously or intermittently subject to the discharge of sewage or other wastes, or to the presence of coliform organisms in quantities likely to indicate that shellfish taken from the area are unfit for human consumption.

(3) "Commissioner" means the State Commissioner of Health. (V.A.C.S. Art. 4050f, Sec. 1.)

**Sec. 76.202. Declaration of Polluted Areas**

(a) The commissioner shall declare any area within the jurisdiction of the state to be polluted if he finds that it is a polluted area.

(b) The commissioner shall close to the taking of shellfish for a period he deems advisable any water to which shellfish from polluted areas may have been transferred.

(c) The commissioner shall establish by order the areas which he declares to be polluted and shall modify or revoke the orders in accordance with the results of sanitary and bacteriological surveys conducted by the State Department of Health. The commissioner shall file the orders in the office of the State Department of Health and shall furnish copies of the orders describing polluted areas to any interested person without charge.

(d) The commissioner shall conspicuously outline polluted areas on maps, which he shall furnish without charge to any interested person. The failure of any person or persons to avail themselves of this information does not relieve them from a violation of this subchapter. (V.A.C.S. Art. 4050f, Sec. 2.)

**Sec. 76.203. Rules and Regulations**

(a) The commissioner, with the approval of the State Board of Health, shall make rules and regulations establishing specifications for plant facilities and for the harvesting, transporting, storing, handling, and packaging of shellfish.

(b) The commissioner shall file the rules and regulations in the office of the secretary of state.

(c) The rules and regulations are effective three months from the date of their promulgation.

(d) The commissioner shall furnish without charge printed copies of the rules and regulations to any interested person on request.

(e) The commissioner may make reasonable and necessary regulations, not inconsistent with any provision of this subchapter, for the efficient enforcement of this subchapter.

(f) The violation of any regulation made under this subchapter is a violation of this subchapter. (V.A.C.S. Art. 4050f, Sec. 3.)

**Sec. 76.204. Inspection of Shellfish Plants**

(a) The commissioner or his authorized agent shall inspect all shellfish plants and the practices followed in the handling and packaging of shellfish. If it is found that the operator is complying with the rules and regulations promulgated under this subchapter, the commissioner shall issue a certificate attesting to the compliance.

(b) The commissioner or his authorized agent may reinspect a plant at any time and shall revoke the certificate on refusal of the operator to permit an inspection or free access at reasonable hours, or on a finding that the plant is not being operated in compliance with the rules and regulations promulgated under this subchapter. (V.A.C.S. Art. 4050f, Sec. 4.)

**Sec. 76.205. Taking Shellfish From Polluted Areas**

No person may take, sell, or offer or hold for sale any shellfish from an area declared by the commissioner to be polluted without complying with all rules and regulations made by the commissioner to insure that the shellfish have been purified. (V.A.C.S. Art. 4050f, Sec. 5 (part).)

**Sec. 76.206. Transplanting Shellfish From Polluted Areas**

(a) Section 76.205 of this code does not prohibit the transplanting of shellfish from polluted water when permission for the transplanting is first obtained from the Parks and Wildlife Department and the transplanting is supervised by the department.

(b) The department shall furnish a copy of the transplant permit to the commissioner prior to the commencement of transplanting activity. (V.A.C.S. Art. 4050f, Sec. 5 (part).)

**Sec. 76.207. Purification of Shellfish**

The commissioner may allow purification of shellfish taken from polluted areas by artificial means, subject to the rules and regulations of the commissioner and subject to supervision deemed necessary by the commissioner in the interest of public health. (V.A.C.S. Art. 4050f, Sec. 5 (part).)

**Sec. 76.208. Sale of Shellfish Improperly Handled**

No person may sell or offer or hold for sale any shell stock or shucked shellfish that have not been handled and packaged in accordance with specifications fixed by the commissioner under this subchapter. (V.A.C.S. Art. 4050f, Sec. 6.)

**Sec. 76.209. Sale of Shellfish From Improper Facilities**

No person may sell or offer or hold for sale any shellfish where the facilities for packaging and handling the shellfish do not comply with specifications fixed by the commissioner under this subchapter. (V.A.C.S. Art. 4050f, Sec. 7.)

**Sec. 76.210. Unlawfully Operating a Shellfish Plant**

No person may operate a shellfish plant engaged in the handling and packaging of shellfish, either shucked or in the shell, without a valid certificate issued by the commissioner for each plant or place of business. (V.A.C.S. Art. 4050f, Sec. 8.)

**Sec. 76.211. Sale of Shellfish Without a Certificate Number**

No person may sell or offer for sale any shellfish that are not in a container bearing a valid certificate number from a state or a nation whose shellfish certification program conforms to the current Manual of Recommended Practice for Sanitary Control of the Shellfish Industry, issued by the United States Public Health Service. The provisions of this section do not apply to the sale for on-premises consumption of shellfish removed from a certified container. (V.A.C.S. Art. 4050f, Sec. 9.)

**Sec. 76.212. Compliance With Regulations**

(a) The commissioner shall give any plant a reasonable time to comply with regulations issued under this subchapter after the date of promulgation, but not longer than six months unless an extension is granted.

(b) On a showing that more time is reasonably required, the commissioner may extend the time for compliance. (V.A.C.S. Art. 4050f, Sec. 10.)

**Sec. 76.213. Enforcement**

Commissioned officers of the Parks and Wildlife Department shall enforce the provisions of Section 76.205 of this code. Other provisions of this subchapter shall be enforced by the commissioner and his authorized representatives with assistance from the officers of the department as determined by the director. (V.A.C.S. Art. 4050f, Sec. 11.)

**Sec. 76.214. Disposition of Unfit or Unlawful Shellfish**

Any shellfish that are held or offered for sale at retail or for human consumption, and that have not been handled and packaged in accordance with the specifications fixed by the commissioner under this subchapter, or that are not in a certified container as provided in this subchapter or are otherwise found by the commissioner to be unfit for human consumption, are subject to immediate condemnation, seizure, and confiscation by the commissioner or his agents. The shellfish shall be held, destroyed, or otherwise disposed of as directed by the commissioner. (V.A.C.S. Art. 4050f, Sec. 13.)

**Sec. 76.215. Performance Bond**

In order to insure that the certificate holder will comply with all legal requirements imposed under this subchapter, the commissioner, when reasonably necessary for the enforcement of this subchapter, may require each person holding a plant certificate to post and maintain with him a good and sufficient bond with a corporate surety or two personal sureties approved by the commissioner, or a cash deposit in a form acceptable to the commissioner. Any failure to comply with the legal requirements of this subchapter will result in the certificate holder or his surety paying as forfeiture to the commissioner a sum not to exceed \$1,000. (V.A.C.S. Art. 4050f, Sec. 14.)

**Sec. 76.216. Penalty**

A person who violates any provision of this subchapter or a regulation of the commissioner is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$500. Each day of a continuing violation constitutes a separate offense. (V.A.C.S. Art. 4050f, Sec. 12.)

**CHAPTER 77. SHRIMP**

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## **CHAPTER 77. SHRIMP**

### **SUBCHAPTER A. GENERAL PROVISIONS**

#### **Sec. 77.001. Definitions**

In this chapter:

(1) "Coastal water" means all the salt water of this state, including that portion of the Gulf of Mexico within the jurisdiction of the state.

(2) "Inside water" means all bays, inlets, outlets, passes, rivers, streams, and other bodies of water landward from the shoreline of the state along the Gulf of Mexico and contiguous to, or connected with, but not a part of, the Gulf of Mexico and within which the tide regularly rises and falls and in which saltwater shrimp are found or into which saltwater shrimp migrate.

(3) "Outside water" means the salt water of the state contiguous to and seaward from the shoreline of the state along the Gulf of Mexico as the shoreline is projected and extended in a continuous and unbroken line, following the contours of the shoreline, across bays, inlets, outlets, passes, rivers, streams, and other bodies of water; and that portion of the Gulf of Mexico extending from the shoreline seaward and within the jurisdiction of the state.

(4) "Major bays" means the deeper, major bay areas of the inside water, including Sabine Lake, Trinity Bay, Galveston Bay, East Galveston Bay, West Galveston Bay, Matagorda Bay (including Keller's Bay and East Matagorda Bay), Tres Palacios Bay, Espiritu Santo Bay, Lavaca Bay from the present causeway seaward, San Antonio Bay, Ayres Bay, Aransas Bay, Mesquite Bay, and Corpus Christi Bay, all exclusive of tributary bays, bayous, and inlets.

(5) "Possess" means the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or under a fishing ley, or as agent, bailee, or custodian of another.

(6) "Commercial gulf shrimp boat" means any boat that is required to be numbered or registered under the laws of the United States or of this state and that is used for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the outside water of the state for pay or for the purpose of sale, barter, or exchange, or from salt water outside the state for pay or for the purpose of sale, barter, or exchange, and that unloads at a port

or other point in the state without having been previously unloaded in another state or foreign country.

(7) "Commercial bay shrimp boat" means a boat that is required to be numbered or registered under the laws of the United States or this state and that is used for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the inside water of this state for pay or for the purpose of sale, barter, or exchange.

(8) "Commercial bait shrimp boat" means a boat that is required to be numbered or registered under the laws of the United States or of this state and that is used for the purpose of catching or assisting in catching shrimp for use as bait and other edible aquatic products from the inside water of the state for pay or for the purpose of sale, barter, or exchange.

(9) "Shrimp house operator" means a person who operates a shrimp house, plant, or other establishment for compensation or profit for the purpose of unloading and handling, from commercial gulf shrimp boats or commercial bay shrimp boats, fresh shrimp and other edible aquatic products caught or taken from the coastal water of the state or from salt water outside the state and brought into the state without having been previously unloaded in another state or foreign country, but does not include a person holding a wholesale fish dealer's license under Section 47.009 of this code.

(10) "Bait-shrimp dealer" means a person who operates an established place of business in a coastal county of the state for compensation or profit for the purpose of handling shrimp caught for use as bait from the inside water of this state, but does not include a person holding a wholesale fish dealer's license under Section 47.009 of this code.

(11) "Individual bait-shrimp trawl" means a trawl, net, or rig used for the purpose of catching shrimp for one's own personal use.

(12) "Second offense" and "third and subsequent offenses" mean offenses for which convictions have been obtained within three years prior to the date of the offense charged. (V.A.C.S. Art. 4075b, Sec. 3(a), (b), (e) (part), (f)-(k), Sec. 13(h).)

#### **Sec. 77.002. License Fees**

License fees provided in this chapter are a privilege tax on catching, buying, selling, unloading, transporting, or handling shrimp within the jurisdiction of this state. (V.A.C.S. Art. 4075b, Sec. 12(b) (part).)

#### **Sec. 77.003. Disposition of Funds**

Money received for licenses issued under this chapter or fines for violations of this chapter shall be remitted to the department by the 10th day of the month following the date of collection. (V.A.C.S. Art. 4075b, Sec. 12(b) (part).)

#### **Sec. 77.004. Research Program**

- (a) The department shall conduct continuous research and study of:
- (1) the supply, economic value, environment, and breeding habits of the various species of shrimp;
  - (2) factors affecting the increase or decrease in shrimp;
  - (3) the use of trawls, nets, and other devices for the taking of shrimp;

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(4) industrial and other pollution of the water naturally frequented by shrimp; and

(5) statistical information gathered by the department on the marketing, harvesting, processing, and catching of shrimp landed at points in the state.

(b) The research may be conducted by the department or an agency designated by the department. (V.A.C.S. Art. 4075b, Sec. 2 (part).)

**Sec. 77.005. Reporting by Licensee**

A licensee under this chapter who lands shrimp in the state shall submit to the department by the 10th day of each month, on forms furnished by the department, a report stating:

(1) the number of pounds of shrimp landed at points in the state by the licensee during the reporting period;

(2) the water from which the shrimp were taken; and

(3) the names of the species of shrimp. (V.A.C.S. Art. 4075b, sec. 2 (part).)

**Sec. 77.006. Department Findings and Report**

(a) Based on the study and reports obtained under Section 77.004 and 77.005 of this code, the department shall make findings of fact and enter the findings in the permanent records of the department.

(b) The findings of fact shall be published as a report and presented to the governor and each member of the legislature before each regular session of the legislature. (V.A.C.S. Art. 4075b, Sec. 2 (part).)

[Sections 77.007–77.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO SHRIMPING**

**Sec. 77.011. License Requirement**

No person may operate in the coastal water without obtaining the appropriate license, if required, as prescribed in this chapter. (V.A.C.S. Art. 4075b, Sec. 13(e).)

**Sec. 77.012. Foreign Shrimp**

Provisions of this chapter prohibiting possession, sale, purchase, unloading, or other handling of shrimp apply to shrimp caught in this state and shrimp coming from another state or country unless specifically provided otherwise. (V.A.C.S. Art. 4075b, Sec. 3(e) (part).)

**Sec. 77.013. Size**

Except as provided by this chapter, no person may catch, possess, or have on board a boat within coastal water, or buy, sell, unload, transport, or handle, an amount of fresh shrimp, except sea bobs, which average in count of individual specimens more than 65 headless fresh shrimp to the pound or more than 39 heads-on fresh shrimp to the pound. (V.A.C.S. Art. 4075b, Sec. 4(a); Sec. 7(g) (part).)

**Sec. 77.014. Method of Taking Count**

(a) An authorized employee of the department shall take the count of shrimp in the presence of the person possessing the shrimp.



(b) The employee shall select a minimum of three representative samples for each 1,000 pounds or fraction of 1,000 pounds of headless or heads-on shrimp being sampled.

(c) Each sample must weigh five pounds after draining at least three minutes.

(d) The count per pound for the sample is determined by dividing the number of specimens in the sample by five.

(e) The average count per pound for the entire quantity being sampled is determined by totalling the count per pound for each sample and dividing that total by the number of samples.

(f) The average count per pound as determined under this section is prima facie evidence of the average count per pound of the shrimp in the entire cargo or quantity of shrimp sampled.

(g) Headless and heads-on shrimp shall be sampled, weighed, and counted separately. (V.A.C.S. Art. 4075b, Sec. 4(b).)

#### **Sec. 77.015. Gradation and Processing**

Shrimp found to be of legal size under this chapter may subsequently be graded for size for packaging, processing, or sale. (V.A.C.S. Art. 4075b, Sec. 4(c).)

#### **Sec. 77.016. Restrictions on Individual Bait-Shrimp Trawl**

No person may use, possess, or have on board a boat in coastal water more than one individual bait-shrimp trawl, or an individual bait-shrimp trawl:

(1) with a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl is placed in use;

(2) exceeding 20 feet in length between the doors or boards or other spreading device; or

(3) with doors or boards exceeding 15 inches by 30 inches each, or a total of 450 square inches each. (V.A.C.S. Art. 4075b, Sec. 11(c).)

#### **Sec. 77.017. Possession After Season**

No person may retain saltwater shrimp in their fresh state legally taken in the coastal water of this state for more than five days after the end of an open season for the taking of shrimp unless he is a licensed bait dealer or sports fisherman. (V.A.C.S. Art. 4075b, Sec. 8(a).)

#### **Sec. 77.018. Foreign Trawl or Shrimp**

(a) A person may possess or have on board a boat in the coastal water of Orange or Jefferson county a trawl and spreading device that may lawfully be used in the coastal water of another state if:

(1) the trawl and equipment are immediately en route to or from a home port or destination on land;

(2) the trawl and equipment have been used during the open season for shrimp in another state; and

(3) the trawl and equipment are not used or intended for use in the coastal water of this state in violation of this chapter.

(b) A person may possess or have on board a boat in the coastal water of Orange or Jefferson county shrimp that are lawfully caught in the coastal water of another state if the catch is immediately en route to or from a home port or destination on land. (V.A.C.S. Art. 4075b, Sec. 11A.)

**Sec. 77.019. Prohibited Handling of Shrimp**

No shrimp house operator, wholesale fish dealer, retail fish dealer, wholesale truck dealer, retail truck dealer, or other person holding a license issued by the department may knowingly unload, buy, or handle in any way shrimp or bait shrimp:

- (1) from an unlicensed gulf shrimp boat or unlicensed commercial bay shrimp boat;
- (2) of a prohibited size;
- (3) caught in the inside water or outside water during the closed season for the water; or
- (4) in violation of a provision of this chapter. (V.A.C.S. Art. 4075b, Sec. 13(g) (part).)

**Sec. 77.020. Penalty**

A person who violates a provision of this chapter except Section 77.024 of this code, is guilty of a misdemeanor and on conviction is punishable:

- (1) by a fine of not less than \$50 nor more than \$200 for the first offense;
- (2) by a fine of not less than \$100 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 60 days, or both, for the second offense; and
- (3) by a fine of not less than \$500 nor more than \$2,000 and confinement in the county jail for not less than 30 days nor more than six months for the third offense. (V.A.C.S. Art. 4075b, Sec. 13(a).)

**Sec. 77.021. Separate Offense**

Each day on which a violation occurs constitutes a separate offense. (V.A.C.S. Art. 4075b, Sec. 13(c).)

**Sec. 77.022. Responsibility for Violation**

(a) When a vessel is involved in a violation of this chapter, the captain of the vessel may be considered primarily responsible for the violation and each crew member may also be held responsible. Punishment for the violation shall be assessed only against the captain and crew members, or one of them, actually found guilty of the violation.

(b) The owner of a vessel involved in a violation of this chapter may not be found guilty of the violation unless it is charged and proved that the owner knowingly directed, authorized, permitted, agreed to, aided, or acquiesced in the violation. (V.A.C.S. Art. 4075b, Sec. 13(b).)

**Sec. 77.023. License Forfeiture**

(a) On conviction for a third and subsequent offense under this chapter, a license under which operations involved in the violation are being conducted is subject to forfeiture.

(b) A license that is forfeited under this section may not be reissued for a period of 12 months from the date of forfeiture. (V.A.C.S. Art. 4075b, Sec. 13(d).)

**Sec. 77.024. Operation Without License**

(a) No person whose license has been forfeited under Section 77.023 of this code may do business without a new license or possess another license for the period of forfeiture.

(b) A person violating this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$2,500 nor more than \$5,000 and confinement in the county jail for not less than six months nor more than one year. (V.A.C.S. Art. 4075b, Sec. 13(f).)

[Sections 77.025–77.030 reserved for expansion]

### SUBCHAPTER C. SHRIMP LICENSES

#### Sec. 77.031. Commercial Bay Shrimp Boat License

(a) No person may operate a commercial bay shrimp boat for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the inside water unless the owner has obtained a commercial bay shrimp boat license.

(b) The fee for a commercial bay shrimp boat license is \$40.

(c) A commercial bay shrimp boat license expires on March 1 of the year following the date of issuance.

(d) An applicant for a commercial bay shrimp boat license must submit to the department an affidavit that the applicant intends to derive the major portion of his livelihood from commercial shrimp fishery and that he will maintain adequate facilities to conduct the business.

(e) Not more than one commercial bay shrimp boat license may be issued to a boat during the licensing period. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (b), (d) (part).)

#### Sec. 77.032. Issuance of Commercial Bay Shrimp Boat License

A commercial bay shrimp boat license may be issued only in the months of January and February unless the applicant has acquired title to the shrimp boat by purchase or new construction after the last day of February of the year for which the license is sought, in which case the applicant must submit an affidavit that the boat was acquired after the last day of February and that prior to the last day of February the applicant had not entered into an agreement to acquire the boat. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (e).)

#### Sec. 77.033. Commercial Bait-Shrimp Boat License

(a) No person may operate a commercial bait-shrimp boat for the purpose of catching or assisting in catching shrimp for use as bait only and other edible aquatic products from the inside water unless the owner of the boat has obtained a commercial bait-shrimp boat license.

(b) The fee for a commercial bait-shrimp boat license is \$40.

(c) A commercial bait-shrimp boat license expires August 31 following the date of issuance.

(d) Not more than one commercial bait-shrimp boat license may be issued to a boat for each licensing period. (V.A.C.S. Art. 4075b, Sec. 5(c) (part), (d) (part).)

#### Sec. 77.034. Inspection for Commercial Bait-Shrimp Boat License

Before the issuance of a commercial bait-shrimp boat license, an authorized employee of the department shall inspect the boat to be licensed to insure that adequate facilities are present and that 50 percent of the daily catch of the bait shrimp may be maintained alive. (V.A.C.S. Art. 4075b, Sec. 6(h) (part).)

**Sec. 77.035. Commercial Gulf Shrimp Boat License**

(a) No person may operate a commercial gulf shrimp boat for catching or assisting in catching shrimp and other edible aquatic products from the outside water, or have on board a boat, or unload, or allow to be unloaded at a port or point in this state, shrimp and other edible aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the owner of the boat has obtained a commercial gulf shrimp boat license.

(b) The fee for a commercial gulf shrimp boat license is \$50.

(c) The commercial gulf shrimp boat license expires August 31 following the date of issuance.

(d) Not more than one commercial gulf shrimp boat license may be issued to a boat during the license period. (V.A.C.S. Art. 4075b, Sec. 7(a) (part), (b) (part).)

**Sec. 77.036. Official Registration**

(a) An applicant for a commercial shrimp boat license issued under this subchapter must submit to the department the boat's United States Bureau of Customs official document or the Texas certificate of number for a motorboat.

(b) The certificate of license issued by the department for a commercial shrimp boat must contain the name of the boat and the number appearing on the United States Bureau of Customs official document or the Texas certificate of number. (V.A.C.S. Art. 4075b, Sec. 5(d) (part), 7(b) (part).)

**Sec. 77.037. Transfer of License**

A commercial shrimp boat license issued under this subchapter may be transferred on the application of the licensee only from a boat that has been destroyed or lost to a boat acquired by the licensee as a replacement. (V.A.C.S. Art. 4075b, Sec. 5(d) (part), 7(b) (part).)

**Sec. 77.038. Display of Licenses**

A commercial shrimp boat license issued under this subchapter must be prominently displayed on the bow, outside the wheelhouse, or at another point outside the boat designated by the department, and on each side of the boat, evidencing payment of the license. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (c) (part), 7(a) (part).)

**Sec. 77.039. License Design**

(a) A commercial shrimp boat license issued under this subchapter must be a metal or plastic sign or emblem at least 32 square inches in size, and have a different color or design for each license period.

(b) The character, color, and design of each class of commercial shrimp boat license issued under this subchapter must be distinguishable. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (c) (part), 7(a) (part).)

**Sec. 77.040. Other Licenses Required**

(a) A person holding a commercial shrimp boat license under this subchapter is not required to obtain a commercial fishing boat license under Section 47.007 of this code.

(b) The captain and each paid member of the crew of a boat having a commercial shrimp boat license issued under this subchapter must have a tidal water commercial fisherman's license issued under Section 47.003 of this code. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (c) (part), 7(a) (part).)

**Sec. 77.041. Gear on Commercial Shrimp Boat**

All shrimp trawls and fishing gear, except fishnets or seines, with which a boat having a commercial shrimp boat license issued under this subchapter is equipped may be used unless the use is otherwise prohibited by law. (V.A.C.S. Art. 4075b, Sec. 5(a) (part), (c) (part), 7(a) (part).)

**Sec. 77.042. Shrimp House Operator License**

(a) No person may engage in business as a shrimp house operator unless he has obtained a shrimp house operator's license issued by the department.

(b) The fee for a shrimp house operator's license is \$150.

(c) A shrimp house operator's license expires August 31 following the date of issuance. (V.A.C.S. Art. 4075b, Sec. 9.)

**Sec. 77.043. Bait-Shrimp Dealer License**

(a) No person may engage in business as a bait-shrimp dealer unless he has obtained a bait-shrimp dealer's license from the department for each bait stand or place of business he maintains.

(b) The fee for a bait-shrimp dealer's license is \$40.

(c) A bait-shrimp dealer's license expires August 31 following the date of issuance. (V.A.C.S. Art. 4075b, Sec. 10(a) (part).)

**Sec. 77.044. Issuance of Bait-Shrimp Dealer's License**

(a) The department shall issue a bait-shrimp dealer's license only after it has determined that the applicant for the license is a bona fide bait-shrimp dealer.

(b) A bait-shrimp dealer's license may not be held by a person who also holds a shrimp house operator's license. (V.A.C.S. Art. 4075b, Sec. 10(a) (part).)

**Sec. 77.045. Rights and Duties of Bait-Shrimp Dealer**

(a) The holder of a bait-shrimp dealer's license may sell, purchase, and handle shrimp, minnows, fish, and other forms of aquatic life for sale or resale for fish bait purposes in the coastal counties of this state.

(b) The holder of a bait-shrimp dealer's license is not required to obtain a bait dealer's license issued under Section 47.014 of this code unless he engages in the business in a county other than a coastal county.

(c) Frozen dead bait held under a bait-shrimp dealer's license must be packaged and labeled "Bait Shrimp" in block letters at least one inch in height. (V.A.C.S. Art. 4075b, Sec. 6(h) (part); Sec. 10(b) (part).)

**Sec. 77.046. Exemptions From Bait-Shrimp Dealer's License**

A bait-shrimp dealer's license is not required for:

- (1) grocery stores in coastal counties which do not unload or purchase shrimp directly from commercial bait-shrimp boats;

(2) bait dealers in coastal counties who do not sell or offer for sale or handle shrimp for sale or resale for bait purposes, but these dealers must have a bait-dealer's license issued under Section 47.014 of this code. (V.A.C.S. Art. 4075b, Sec. 10(b) (part).)

**Sec. 77.047. Prohibited Handling of Shrimp by Bait-Shrimp Dealer**

No bait-shrimp dealer may knowingly unload, buy, or handle in any way bait shrimp from an unlicensed commercial bait-shrimp boat. (V.A.C.S. Art. 4075b, Sec. 13(g) (part).)

**Sec. 77.048. Individual Bait-Shrimp Trawl License**

(a) No person may possess or have on board a boat in coastal water an individual bait-shrimp trawl unless the owner of the trawl has obtained an individual bait-shrimp trawl license from the department.

(b) The fee for the individual bait-shrimp trawl license is \$5.

(c) The individual bait-shrimp trawl license expires on August 31 following the date of issuance. (V.A.C.S. Art. 4075b, Sec. 11(b).)

[Sections 77.049–77.060 reserved for expansion]

**SUBCHAPTER D. SHRIMPING IN OUTSIDE WATER**

**Sec. 77.061. General Closed Season**

Except as specifically provided in this subchapter, no person may catch shrimp in outside water:

(1) from June 1 to July 15, both dates inclusive, or a 45-day period provided under Section 77.062 of this code, as applicable; or

(2) extending from the coastline of Texas up to and including seven fathoms in depth from December 16 of each year to February 1 of the following year, both dates inclusive, unless taking sea bobs. (V.A.C.S. Art. 4075b, Sec. 7(c) (part), (e), (g) (part).)

**Sec. 77.062. Change in General Closed Season**

Based on sound biological data, the department may prescribe a 45-day closed season in outside water beginning not sooner than May 17 and ending not later than July 30. (V.A.C.S. Art. 4075b, Sec. 7(c) (part).)

**Sec. 77.063. General Limitation on Nets**

(a) Except as specifically provided in this subchapter, no person may catch shrimp in the outside water with, or possess or have on board a boat in the coastal water for use in outside water, a trawl, except a try net or test net, with a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl has been put in use. Measurement shall be made in the section of the trawl which is normally under tension when in use.

(b) No person may use a try net in outside water exceeding 12 feet in width as measured from board to board or between the extremes of any other spreading device.

(c) This section does not apply to the taking of sea bobs. (V.A.C.S. Art. 4075b, Sec. 7(f), (g) (part).)

**Sec. 77.064. Night Shrimping**

No person may catch shrimp of any size or species in the outside water extending from the coastline of Texas up to and including seven fathoms in depth during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. (V.A.C.S. Art. 4075b, Sec. 7(d).)

**Sec. 77.065. White Shrimp**

(a) A licensed commercial gulf shrimp boat operator may catch white shrimp in the outside water not exceeding four fathoms in depth from June 1 to July 15, both dates inclusive, or during the 45-day period prescribed under Section 77.062 of this code.

(b) No more than one net may be used at a time, and the trawl may not exceed 25 feet in width as measured along the corkline from board to board or between the extremes of any other spreading device. (V.A.C.S. Art. 4075b, Sec. 7(c) (part).)

**Sec. 77.066. Sea Bobs**

(a) No commercial gulf shrimp boat operator may catch sea bobs with a trawl exceeding 25 feet in width measured along the corkline from board to board or between the extremes of any other spreading device or with a trawl having a mesh size in excess of six and one-half inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl has been placed in use. Not more than one trawl may be used at a time.

(b) No person catching sea bobs may catch or have on board a boat any other species of shrimp which exceed ten percent, in weight or number, of the entire catch. (V.A.C.S. Art. 4075b, Sec. 7(g) (part).)

**Sec. 77.067. Noncommercial Bait-Shrimping**

(a) A person may catch shrimp for use as bait only at any time of the year in the outside water with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated on foot only without the use of any mechanical means or devices.

(b) No person catching shrimp with an individual bait-shrimp trawl may possess or have on board a boat in the outside water more than two quarts of shrimp per person or four quarts of shrimp per boat for use as bait.

(c) Shrimp caught under this section are not subject to the size requirements set out in Section 77.013 of this code. (V.A.C.S. Art. 4075b, Sec. 11(a), (d) (part).)

**Sec. 77.068. Noncommercial Shrimping**

(a) Subject to the limitations prescribed in this section, during the open season in outside water a person may catch shrimp for personal use by means of:

(1) a cast net, dip net, bait trap, or minnow seine that is not more than 20 feet long and that is manually operated on foot only without the use of any mechanical means or devices;

(2) an individual bait-shrimp trawl; or

(3) a manually operated seine not exceeding 400 feet in length with a mesh of not less than one and one-half inch square, except for the bag and 50 feet on each side of the bag, the mesh of which may not be larger than one inch square.

(b) A person may catch for personal use not more than 100 pounds of shrimp (in their natural state with heads attached) each day during the open season in outside water.

(c) The seine described in Subsection (a)(3) of this section may not be used within one mile of any natural or man-made pass leading from inside water to outside water, and any shrimp or marine life caught with the seine but not kept by the person using the seine shall be returned to the water. Shrimp caught with this seine may not be sold. (V.A.C.S. Art. 4075b, Sec. 11(d) (part); Art. 4075b-1, Sec. 1.)

**Sec. 77.069. Sale of Noncommercial Shrimp**

No person may buy, sell, offer for sale, or handle in any way for profit shrimp caught in outside water with an individual bait-shrimp trawl, dip net, cast net, bait trap, or minnow seine not larger than 20 feet in length. (V.A.C.S. Art. 4075b, Sec. 11(d) (part).)

**Sec. 77.070. Possession of Shrimp**

Except as permitted by Section 77.065 and Section 77.067 of this code, no person may possess or have on board a boat in coastal water, or buy, sell, unload, transport, or handle in any way, shrimp caught in the outside water during the closed season. (V.A.C.S. Art. 4075b, Sec. 7(c) (part).)

[Sections 77.071–77.080 reserved for expansion]

**SUBCHAPTER E. SHRIMPING IN INSIDE WATER**

**Sec. 77.081. Application**

No person may catch shrimp of any size or species within the inside water except as provided in this subchapter. (V.A.C.S. Art. 4075b, Sec. 6(a).)

**Sec. 77.082. Shrimping in Passes**

No person may catch shrimp of any size or species within the natural or man-made passes leading from the inside water to the outside water. (V.A.C.S. Art. 4075b, Sec. 6(b).)

**Sec. 77.083. Heading Shrimp**

No person may head shrimp aboard a boat in the inside water or dump or deposit shrimp heads in the inside water except in artificial passes, canals, or basins. (V.A.C.S. Art. 4075b, Sec. 6(d).)

**Sec. 77.084. Trawl Doors**

Except during the period from August 15 to December 15, both dates inclusive, no person may have on board a boat in the inside water for use on the inside water more than one set of trawl doors or other spreading devices nor more than one set of try-net doors. (V.A.C.S. Art. 4075b, Sec. 6(e).)

**Sec. 77.085. Try Nets**

No person may use, possess, or have on board a boat in inside water a try net or test net exceeding 12 feet in width measured along the corkline from board to board. (V.A.C.S. Art. 4075b, Sec. 6(f) (part).)



**Sec. 77.086. Mesh Size**

(a) Except as provided in this subchapter, no person may catch shrimp in the inside water with, or possess or have on board a boat in the coastal water for use in inside water, a trawl and bag having a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl or bag has been placed in use. The measurement shall be made in the section of the trawl which is normally under tension when in use.

(b) This section does not apply to try nets or test nets. (V.A.C.S. Art. 4075b, Sec. 6(f) (part).)

**Sec. 77.087. Net Width**

During the period from August 15 to December 15 of each year, both dates inclusive, no person may catch shrimp of any size or species in the major bays with more than one net or a net exceeding 65 feet in width measured along the corkline from board to board or between the extremes of any other spreading device. This section does not apply to try nets or test nets. (V.A.C.S. Art. 4075b, Sec. 6(f) (part).)

**Sec. 77.088. Night Shrimping Prohibited**

Except as provided in this subchapter, no person may catch shrimp or use or operate a net or trawl to catch shrimp of any size or species in the inside water except during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset. (V.A.C.S. Art. 4075b, Sec. 6(c).)

**Sec. 77.089. Noncommercial Bait-Shrimping**

(a) A person may catch shrimp for use as bait only at any time of the year in inside water with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated without the use of any mechanical means or devices.

(b) No person catching shrimp with an individual bait-shrimp trawl may possess or have on board a boat in the inside water more than two quarts of shrimp per person or four quarts of shrimp per boat for use as bait.

(c) Shrimp caught under this section are not subject to the size requirement set out in Section 77.013 of this code. (V.A.C.S. Art. 4075b, Sec. 4(a) (part), 11(a) (part), (d) (part).)

**Sec. 77.090. Noncommercial Shrimping**

(a) A person may catch shrimp for personal use with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated on foot only and without the use of any mechanical means or devices:

(1) in inside water from August 15 to December 15 in an amount not to exceed 100 pounds of shrimp per day; and

(2) in major bays of inside water from May 15 to July 15, both dates inclusive, in an amount not to exceed 15 pounds of shrimp per day.

(b) The weight of shrimp taken or caught under this section is determined in their natural state with heads attached. (V.A.C.S. Art. 4075b, Sec. 11(d) (part).)

**Sec. 77.091. Commercial Shrimp Season**

A licensed commercial bay shrimp boat operator may catch shrimp of lawful size in the major bays during the periods from August 15 to December 15, both dates inclusive, and May 15 to July 15, both dates inclusive. (V.A.C.S. Art. 4075b, Sec. 6(f) (part), (g) (part).)

**Sec. 77.092. Commercial Shrimp Limit**

(a) During the period from May 15 to July 15, both dates inclusive, a licensed commercial bay shrimp boat operator may catch not more than 300 pounds of shrimp per boat per calendar day, and may possess or have on board a boat in the inside water or unload or attempt to unload at a point in this state not more than 300 pounds of shrimp.

(b) The weight of shrimp must be determined in their natural state with heads attached.

(c) Shrimp caught or taken under this section are not subject to the size requirement set out in Section 77.013 of this code. (V.A.C.S. Art. 4075b, Sec. 6(g) (part).)

**Sec. 77.093. Commercial Shrimp Nets**

In major bays of inside water during the period from May 15 to July 15, no licensed commercial bay shrimp boat operator may catch shrimp with more than one net at a time, except a try net, or with a net:

(1) exceeding 25 feet in length measured along the corkline from board to board or between the extremes of any other spreading device; or

(2) having meshes, including the meshes of the bag, in excess of six and one-half inches between the most widely separated knots in any consecutive series of five stretched meshes after the net or bag has been placed in use. (V.A.C.S. Art. 4075b, Sec. 6(g) (part).)

**Sec. 77.094. Commercial Bait-Shrimp Season**

A licensed commercial bait-shrimp boat operator in the inside water may catch shrimp of any size or species for use as bait only at any time of the year. (V.A.C.S. Art. 4075b, Sec. 6(h) (part).)

**Sec. 77.095. Commercial Bait-Shrimp Limit**

(a) No licensed commercial bait-shrimp boat operator may catch more than 150 pounds of shrimp per boat per calendar day, or possess or have on board a boat, or unload or attempt to unload at a point in the state more than 150 pounds of shrimp.

(b) The weight of the shrimp must be determined in their natural state with heads attached. Not more than 50 percent of the shrimp may be dead and 50 percent of the shrimp must be kept in a live condition on board the vessel taking the bait shrimp.

(c) Shrimp caught or taken under this section are not subject to the size requirement set out in Section 77.013 of this code. (V.A.C.S. Art. 4075b, Sec. 6(h) (part), 4(a).)

**Sec. 77.096. Commercial Bait-Shrimp Nets**

No licensed commercial bait-shrimp boat operator may catch shrimp in inside water with:

(1) more than one net at a time, except that one try net not exceeding five feet in width as measured along the corkline from board to board may also be used;

(2) a net exceeding 25 feet in width measured along the corkline from board to board or between the extremes of any other spreading device; or

(3) a net or bag having a mesh size of not less than six and one-half inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the net or bag has been placed in use. (V.A.C.S. Art. 4075b, Sec. 6(h) (part).)

**Sec. 77.097. Commercial Bait-Shrimping at Night**

(a) No licensed commercial bait-shrimp boat operator may catch shrimp for use as bait between sunset and sunrise except during the period beginning December 16 of one year and ending August 14 of the following year, both dates inclusive.

(b) Bait-shrimp may be taken at any time of the day or night in the water of the Laguna Madre. (V.A.C.S. Art. 4075b, Sec. 6(h) (part).)

**Sec. 77.098. Bait-Shrimp Sale**

No licensed commercial bait-shrimp boat operator may sell or unload shrimp caught under this subchapter at any time except to a bona fide bait-shrimp dealer or a sports fisherman operating a boat in inside water. (V.A.C.S. Art. 4075b, Sec. 6(h) (part).)

**Sec. 77.099. Sale of Noncommercial Shrimp**

No person may buy, sell, offer for sale, or handle in any way for profit shrimp caught in inside water with an individual bait-shrimp trawl, dip net, cast net, bait trap, or minnow seine not larger than 20 feet in length. (V.A.C.S. Art. 4075b, Sec. 11(d) (part).)

**CHAPTER 78. CLAMS, MUSSELS, AND SPONGE CRABS**

**SUBCHAPTER A. MUSSELS, CLAMS, OR NAIADS**

**Section**

78.001. License Required.

78.002. License Form; Expiration.

78.003. License Fee.

78.004. Unlawful Acts.

[Sections 78.005-78.100 reserved for expansion]

**SUBCHAPTER B. SPONGE CRABS**

78.101. Definitions.

78.102. Unlawful Taking of Sponge Crabs.

**CHAPTER 78. CLAMS, MUSSELS, AND SPONGE CRABS**

**SUBCHAPTER A. MUSSELS, CLAMS, OR NAIADS**

**Sec. 78.001. License Required**

No person may take any mussels, clams, or naiads or their shells from the public water of the state without a license. (R.S. Art. 4056 (part).)

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**Sec. 78.002. License Form; Expiration**

The license form shall be prescribed by the department and shall designate the water in which the licensee may operate. The license expires one year after the date of issuance. (R.S. Art. 4056 (part).)

**Sec. 78.003. License Fee**

The license fee is \$10, payable to the department, with an additional \$25 fee for permission to use a dredge. (R.S. Art. 4056 (part).)

**Sec. 78.004. Unlawful Acts**

A person who violates the provisions of Section 78.001 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (V.A.P.C. Art. 975.)

[Sections 78.005–78.100 reserved for expansion]

**SUBCHAPTER B. SPONGE CRABS**

**Sec. 78.101. Definitions**

“Coastal water” has the same meaning as is given to the term by the Texas Shrimp Conservation Act (Chapter 77 of this code). (V.A.P.C. Art. 937b, Sec. 1(b).)

**Sec. 78.102. Unlawful Taking of Sponge Crabs**

(a) No person may take sponge crabs from the coastal water of the state by any means.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (V.A.P.C. Art. 937b, Sec. 1(a), 2.)

**SUBTITLE E. WILDLIFE MANAGEMENT AREAS,  
SANCTUARIES, AND PRESERVES**

**CHAPTER 81. MANAGEMENT AREAS AND PRESERVES:  
GENERAL AUTHORITY**

**SUBCHAPTER A. ACTS PROHIBITED IN WILD-  
LIFE PROTECTION AREAS**

**Section**

**81.001. Taking of Wildlife From Hatcheries and Reservations Prohibited.**

**81.002. Predacious Animals on Hatcheries or Reservations.**

**81.003. Trespass on State Hatcheries and Reservations.**

**81.004. Fishing in Sanctuary.**

**81.005. Hunting on Game Preserves Prohibited.**

**81.006. Taking or Possessing Species From Wildlife Management Areas.**

[Sections 81.007–81.100 reserved for expansion]

**SUBCHAPTER B. FISH HATCHERIES**

**Section**

- 81.101. Saltwater Areas.
- 81.102. Freshwater Areas.
- 81.103. Property Acquisition; Manner and Means.
- 81.104. Condemnation Suits.

[Sections 81.105–81.200 reserved for expansion]

**SUBCHAPTER C. FISH SANCTUARIES**

- 81.201. Creation of Freshwater Sanctuaries.
- 81.202. Purposes of Sanctuaries.
- 81.203. Designation of Sanctuaries.
- 81.204. Sanctuary Duration.
- 81.205. Amount of Fresh Water Set Aside in One County.
- 81.206. Proclamation.
- 81.207. Notice.
- 81.208. Effective Date of Proclamation.
- 81.209. Excluded Counties.

[Sections 81.210–81.300 reserved for expansion]

**SUBCHAPTER D. GAME PRESERVES**

- 81.301. Creation of Game Preserves.
- 81.302. Instrument of Transfer.
- 81.303. Declaration of Preserve.
- 81.304. Maximum Acreage Per County.
- 81.305. Numbering of Preserves.
- 81.306. Control of Game Preserves.
- 81.307. Posting Preserves.

[Sections 81.308–81.400 reserved for expansion]

**SUBCHAPTER E. WILDLIFE MANAGEMENT AREAS**

- 81.401. Management of Areas.
- 81.402. Regulation of Hunting and Fishing.
- 81.403. Permits.

[Sections 81.404–81.500 reserved for expansion]

**SUBCHAPTER F. SCIENTIFIC AREAS**

- 81.501. Creation of Scientific Areas.
- 81.502. Powers and Duties.
- 81.503. Land of Public Entities.
- 81.504. Effect on Existing Areas.
- 81.505. Protected Status.
- 81.506. Funds to be Specifically Appropriated.

**SUBTITLE E. WILDLIFE MANAGEMENT AREAS,  
SANCTUARIES, AND PRESERVES**

**CHAPTER 81. MANAGEMENT AREAS AND PRESERVES:  
GENERAL AUTHORITY**

**SUBCHAPTER A. ACTS PROHIBITED IN WILD-  
LIFE PROTECTION AREAS**

**Sec. 81.001. Taking of Wildlife From Hatcheries and Reservations Prohibited**

(a) No person may take, injure, or kill any fish kept by the state in its hatcheries, or any bird or animal kept by the state on its reservation grounds or elsewhere for propagation or exhibition purposes.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 978b.)

**Sec. 81.002. Predacious Animals on Hatcheries or Reservations**

(a) No person may bring into or keep any cat, dog, or other predacious animal on a fish hatchery or reservation for the propagation or exhibition of birds or animals.

(b) Any predacious animal found on the grounds of a hatchery or reservation is a nuisance and any authorized employee of the department shall destroy the animal. When an animal is destroyed under the authority of this subsection, no damage suit for the destruction of the animal may be brought. (R.S. Art. 4049.)

**Sec. 81.003. Trespass on State Hatcheries and Reservations**

(a) No person may enter without the permission of the department on the grounds of a state fish hatchery or on grounds set apart by the state for the propagation and keeping of birds and animals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$25. (P.C. Art. 978a.)

**Sec. 81.004. Fishing in Sanctuary**

(a) No person may fish or attempt to take fish from a fish sanctuary designated under Subchapter C of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 928a, Sec. 4, 5.)

**Sec. 81.005. Hunting on Game Preserves Prohibited**

(a) No person may hunt, take, or molest a game bird or animal in a state game preserve created under Subchapter D of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (P.C. Art. 917 (part).)

**Sec. 81.006. Taking or Possessing Species From Wildlife Management Areas**

(a) No person may take or attempt to take or possess any wildlife or fish from a wildlife management area except in the manner and during the times permitted by the department under Subchapter E of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (V.A.P.C. Art. 978f-5, Sec. 4, 5.)

[Sections 81.007-81.100 reserved for expansion]

**SUBCHAPTER B. FISH HATCHERIES****Sec. 81.101. Saltwater Areas**

The commission may construct and maintain saltwater hatcheries and propagation farms for fish, oysters, and game on islands owned by the state in coastal water. Funds available to the department for the enforcement of game, fish, and oyster laws may be used for costs and expenses authorized under this section. (V.A.C.S. Art. 4049a.)

**Sec. 81.102. Freshwater Areas**

The department may purchase land for the construction, maintenance, enlargement, and operation of freshwater fish hatcheries, and for the construction and maintenance of passes leading from one body of tidewater to another. On approval of the title by the attorney general, purchases may be made from funds appropriated to the department. (V.A.C.S. Art. 4049c, Sec. 1.)

**Sec. 81. 03. Property Acquisition; Manner and Means**

The department may enter on, condemn, and appropriate land, easements, rights-of-way, and property of any person or corporation in the state for the purpose of erecting, constructing, enlarging, and maintaining fish hatcheries, buildings, equipment, roads, and passageways to the hatcheries. The department may also enter on, condemn, and appropriate land, easements, rights-of-way, and property of any person or corporation in the state for the purpose of constructing, enlarging, and maintaining passes or channels from one body of tidewater to another body of tidewater in the state. The manner and method of condemnation, assessment, and payment of damages is the same as is provided for railroads. (V.A. C.S. Art. 4049c, Sec. 2.)

**Sec. 81.104. Condemnation Suits**

Condemnation suits under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department and shall be held in Travis County. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation for property awarded in the proceedings shall be paid by the comptroller against any fund in state treasury that is limited in use for fish or wildlife purposes and that is appropriated to the department. (V.A.C.S. Art. 4049c, Sec. 3.)

[Sections 81.105-81.200 reserved for expansion]

**SUBCHAPTER C. FISH SANCTUARIES**

**Sec. 81.201. Creation of Freshwater Sanctuaries**

The department, with the approval of the commissioners court of the affected county, shall set aside and reserve portions of each public freshwater stream or other body of water as fish sanctuaries in the county for the propagation of freshwater fish in their natural state. (V.A.P.C. Art. 928a, Sec. 1 (part).)

**Sec. 81.202. Purposes of Sanctuaries**

The department shall use fish sanctuaries to increase and preserve the supply of freshwater fish in all fresh water where the fish supply has been reduced from any cause below the maximum number of fish in their natural state that the water will support. (V.A.P.C. Art. 928a, Sec. 1 (part).)

**Sec. 81.203. Designation of Sanctuaries**

When the department determines that any public fresh water in its natural state has a lesser supply of fish than it can support, the department, without delay, shall set aside and designate one or more portions of the water as a sanctuary for the propagation of freshwater fish in order to increase the supply of fish. (V.A.P.C. Art. 928a, Sec. 2 (part).)

**Sec. 81.204. Sanctuary Duration**

An area set aside and designated as a sanctuary under Section 81.203 of this code may be used for a sanctuary for any period not longer than five years. (V.A.P.C. Art. 928a, Sec. 2 (part).)

**Sec. 81.205. Amount of Fresh Water Set Aside in One County**

No more than 50 percent of the public fresh water in any county may be set aside or designated as a sanctuary or sanctuaries. (V.A.P.C. Art. 928a, Sec. 2 (part).)

**Sec. 81.206. Proclamation**

(a) Sanctuaries shall be set aside and designated by proclamation of the commission signed by the chairman.

(b) The proclamation must contain:

- (1) the area to be included in the sanctuary;
- (2) the reason for creation of the sanctuary;
- (3) the date on which the proclamation takes effect;
- (4) the duration of the proclamation; and
- (5) a statement that the sanctuary is set aside and designated under the authority of this subchapter, the citation of which must be included. (V.A.P.C. Art. 928a, Sec. 3 (part).)

**Sec. 81.207. Notice**

The department shall give notice of the creation of a sanctuary by each of the following methods:

- (1) by posting copies of the proclamation on the courthouse door of each county in which the sanctuary is located;
- (2) by publishing a brief summary of the proclamation in a newspaper in the county in which the sanctuary is located, or in a newspa-



per of an adjoining county if the county where the sanctuary is located has no newspaper, once each week for five consecutive weeks; and

(3) by posting at least six signs bearing the conspicuous inscription "State Fish Sanctuary—No Fishing" around the boundary of the sanctuary. (V.A.P.C. Art. 928a, Sec. 3 (part).)

#### **Sec. 81.208. Effective Date of Proclamation**

The proclamation takes effect on the day of the last publication of the notice required by Section 81.207(2) of this code. (V.A.P.C. Art. 928a, Sec. 3 (part).)

#### **Sec. 81.209. Excluded Counties**

This subchapter does not apply to Wichita, Clay, Baylor, and Wilbarger counties. (V.A.P.C. Art. 928a, Sec. 1 (part).)

[Sections 81.210–81.300 reserved for expansion]

### **SUBCHAPTER D. GAME PRESERVES**

#### **Sec. 81.301. Creation of Game Preserves**

A person who owns and possesses land in this state may transfer to the state the right to preserve, protect, and introduce for propagation specified game birds or game animals for any period not less than 10 years. (P.C. Art. 917 (part).)

#### **Sec. 81.302. Instrument of Transfer**

(a) The right to preserve, protect, and introduce for propagation the game animals and game birds shall be transferred by a written and acknowledged instrument executed by the owner of the land.

(b) The instrument shall be filed with the department. (P.C. Art. 917 (part).)

#### **Sec. 81.303. Declaration of Preserve**

The commission may declare land described in an instrument of transfer as game preserve land for the period of time specified in the instrument. (P.C. Art. 917 (part).)

#### **Sec. 81.304. Maximum Acreage Per County**

The aggregate acreage of game preserve land in a county may not exceed 10 percent of the total acreage of the county. (P.C. Art. 917 (part).)

#### **Sec. 81.305. Numbering of Preserves**

Game preserves shall be numbered in the order of the filing of the instrument of transfer for the preserve. (P.C. Art. 917 (part).)

#### **Sec. 81.306. Control of Game Preserves**

The department shall control all land declared to be game preserve land for the preservation, protection, and propagation of game birds and game animals as authorized under the respective instrument of transfer. Authorized employees of the department may enter on game preserves in the performance of their duties. (P.C. Art. 917 (part).)

**Sec. 81.307. Posting Preserves**

The department shall prepare and post signs at each gate or other entrance to a preserve. The signs shall be printed to read: "State Game Preserve, Trespassing Prohibited." (P.C. Art. 917 (part).)

[Sections 81.308–81.400 reserved for expansion]

**SUBCHAPTER E. WILDLIFE MANAGEMENT AREAS**

**Sec. 81.401. Management of Areas**

The department may manage, along sound biological lines, wildlife and fish found on any land the department has or may acquire as a wildlife management area. (V.A.P.C. Art. 978f–5, Sec. 1.)

**Sec. 81.402. Regulation of Hunting and Fishing**

(a) The department may prohibit hunting and fishing in game management areas to protect any species of wildlife or fish.

(b) The department from time to time, as sound biological management permits, may allow open seasons for hunting or fishing.

(c) During an open season the department may prescribe the number, kind, sex, and size of game or fish that may be taken.

(d) The department may prescribe the means, methods, and conditions for the taking of game or fish during an open season. (V.A.P.C. Art. 978f–5, Sec. 2.)

**Sec. 81.403. Permits**

(a) Except as provided in Subsection (b) of this section, special permits for hunting of wildlife on game management areas shall be issued by the department to applicants by means of an impartial method of distribution subject to limitations on the maximum number of permits to be issued.

(b) No person may receive a special permit for hunting on game management areas for two consecutive years unless all applications from persons who applied but did not receive a permit for the preceding year are filled.

(c) The department shall charge a permit fee in the amount set by the commission based on the costs of the department in issuing the permits, enforcing game laws, and protecting hunters during hunting periods on game management areas.

(d) This subchapter does not exempt any person from compliance with hunting license laws. (V.A.P.C. Art. 978f–5, Sec. 3.)

[Sections 81.404–81.500 reserved for expansion]

**SUBCHAPTER F. SCIENTIFIC AREAS**

**Sec. 81.501. Creation of Scientific Areas**

The department may promote and establish a state system of scientific areas for the purposes of education, scientific research, and preservation of flora and fauna of scientific or educational value. (V.A.P.C. Art. 978f–3d, Sec. 1.)

**Sec. 81.502. Powers and Duties**

To the extent necessary to carry out the purposes of this subchapter, the department may:

- (1) determine the acceptance or rejection of state scientific areas proposed for incorporation into a state system of scientific areas;
- (2) make and publish all rules and regulations necessary for the management and protection of scientific areas;
- (3) cooperate and contract with any agencies, organizations, or individuals for the purposes of this subchapter;
- (4) accept gifts, grants, devises, and bequests of money, securities, or property to be used in accordance with the tenor of such gift, grant, devise, or bequest;
- (5) formulate policies for the selection, acquisition, management, and protection of state scientific areas;
- (6) negotiate for and approve the dedication of state scientific areas as part of the system;
- (7) advocate research, investigations, interpretive programs, and publication and dissemination of information pertaining to state scientific areas and related areas of scientific value;
- (8) acquire interests in real property by purchase; and
- (9) hold and manage lands within the system. (V.A.P.C. Art. 978f-3d, Sec. 2.)

**Sec. 81.503. Land of Public Entities**

All public entities and their agencies are authorized and urged to acquire, administer, and dedicate land as state scientific areas within the system under the policies of the commission authorized by this subchapter. (V.A.P.C. Art. 978f-3d, Sec. 3 (part).)

**Sec. 81.504. Effect on Existing Areas**

Inclusion of a state or local park, preserve, wildlife refuge, or other area within the system established under this subchapter does not cancel, supersede, or interfere with any other law or provision of an instrument relating to the use, management, or development of the area for other purposes except that any agency administering an area within the system is responsible for preserving the natural character of the area under the policies of the commission. (V.A.P.C. Art. 978f-3d, Sec. 3 (part).)

**Sec. 81.505. Protected Status**

Neither the designation of an area as a scientific area within the state system nor an intrusion, easement, or taking allowed by the commission under this subchapter voids or replaces a protected status under the law which the area would have if it were not included within the system. (V.A.P.C. Art. 978f-3d, Sec. 3 (part).)

**Sec. 81.506. Funds to be Specifically Appropriated**

The commission may not use any funds for the acquisition of scientific areas other than those specifically appropriated for use under this subchapter. (V.A.P.C. Art. 978f-3d, Sec. 4.)

**CHAPTER 82. STATUTORY SANCTUARIES  
AND PRESERVES**

**SUBCHAPTER A. GUS ENGELING WILDLIFE MANAGEMENT AREA**

**Section**

- 82.001. Creation.
- 82.002. Prohibitions on Hunting, Fishing, Trapping, and Seasons.
- 82.003. Special Permits.
- 82.004. Unlawful Acts.
- 82.005. Penalty.

[Sections 82.006–82.100 reserved for expansion]

**SUBCHAPTER B. CONNIE HAGAR WILDLIFE  
SANCTUARY—ROCKPORT**

- 82.101. Creation and Boundaries.
- 82.102. Boundary Markers.
- 82.103. Unlawful Act.
- 82.104. Penalties.

[Sections 82.105–82.200 reserved for expansion]

**SUBCHAPTER C. BLACK GAP WILDLIFE MANAGEMENT AREA,  
CULBERSON AND HUDSPETH COUNTIES**

- 82.201. Creation.
- 82.202. Acceptance of Gifts; Game Fund.
- 82.203. Land Purchase; School Lands.
- 82.204. Other Land; Title Approval.
- 82.205. Land Purchase; Private.
- 82.206. Condemnation.
- 82.207. Expenditures.

[Sections 82.208–82.300 reserved for expansion]

**SUBCHAPTER D. WILDLIFE SANCTUARY: GALVESTON COUNTY**

- 82.301. Creation.
- 82.302. Unlawful Acts.
- 82.303. Penalties.

[Sections 82.304–82.400 reserved for expansion]

**SUBCHAPTER E. GAME AND FISH RESERVE: MARION  
AND HARRISON COUNTIES**

- 82.401. Land Set Aside.
- 82.402. Creation.
- 82.403. Boundary Markers.
- 82.404. Amount of Area Set Aside.
- 82.405. Public Hunting and Fishing.
- 82.406. Investigation of Feasibility of Timber Land Purchase.
- 82.407. Mineral Rights.
- 82.408. Unlawful Acts.
- 82.409. Penalty.

[Sections 82.410–82.500 reserved for expansion]

**SUBCHAPTER F. INGLESIDE COVE WILDLIFE SANCTUARY:  
SAN PATRICIO AND NUECES COUNTIES**

**Section**

- 82.501. Creation.**
- 82.502. Marking Boundaries.**
- 82.503. Unlawful Acts.**
- 82.504. Penalties.**

[Sections 82.505–82.600 reserved for expansion]

**SUBCHAPTER G. FISH HATCHERIES: SMITH COUNTY**

- 82.601. Creation.**
- 82.602. Property Acquisition.**
- 82.603. Condemnation; Manner and Means.**

[Sections 82.604–82.650 reserved for expansion]

**SUBCHAPTER H. ISLAND CHANNEL**

- 82.651. Island Channel.**

[Sections 82.652–82.700 reserved for expansion]

**SUBCHAPTER I. LAKE CORPUS CHRISTI GAME SANCTUARY**

- 82.701. Game Sanctuary.**
- 82.702. Prohibited Acts.**
- 82.703. Markers.**
- 82.704. Penalty.**

**CHAPTER 82. STATUTORY SANCTUARIES  
AND PRESERVES**

**SUBCHAPTER A. GUS ENGELING WILDLIFE  
MANAGEMENT AREA**

**Sec. 82.001. Creation**

The department may manage wildlife and fish species in the Gus Engeling Wildlife Management Area in Anderson County. (Acts 54th Legis., Reg.Sess., Ch. 481, Sec. 1.)

**Sec. 82.002. Prohibitions on Hunting, Fishing, Trapping, and Seasons**

(a) The department may prohibit all hunting, trapping, and fishing within the management area for any period of time necessary to safeguard any species of wildlife or fish found within the management area.

(b) The department, as sound biological management practices warrant, may prescribe open seasons for hunting, trapping, and fishing within the management area.

(c) The department may prescribe the number, kind, sex, and size of any wildlife and fish that may be taken from the area and may prescribe the means and methods for taking and the conditions under which any wildlife or fish species may be taken within the area. (Acts 54th Legis., Reg.Sess., Ch. 481, Sec. 2.)

**Sec. 82.003. Special Permits**

Any special permit issued for the taking of wildlife or fish species within the management area is available to all applicants on an impartial basis to the extent of the total number of permits issued. No person may receive a special permit for two consecutive years unless all applications from persons who applied but did not receive a special permit in the preceding year are filled. The provisions of this section do not waive the license requirements as provided by law. (Acts 54th Legis., Reg.Sess., Ch. 481, Sec. 3.)

**Sec. 82.004. Unlawful Acts**

No person may hunt or possess any wildlife or fish species taken from the area except as permitted by the department under the provision of this subchapter. (Acts 54th Legis., Reg.Sess., Ch. 481, Sec. 4.)

**Sec. 82.005. Penalty**

A person who violates any provision of this subchapter or who takes wildlife or fish at any time except as permitted by the department is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 54th Legis., Reg.Sess., Ch. 481, Sec. 5.)

[Sections 82.006–82.100 reserved for expansion]

**SUBCHAPTER B. CONNIE HAGAR WILDLIFE  
SANCTUARY—ROCKPORT**

**Sec. 82.101. Creation and Boundaries**

The Connie Hagar Wildlife Sanctuary—Rockport in Aransas County is described as follows:

Being all of the water area of Aransas Bay and Little Bay between the shoreline of Live Oak Peninsula and a line described as follows:

BEGINNING at the point where the city limits of the City of Rockport intersects the shoreline of the Aransas Bay;

THENCE, one mile due east to a point in Aransas Bay;

THENCE, in a northeasterly direction approximately 1- $\frac{3}{8}$  miles to a point which is  $\frac{1}{2}$  mile due east of Nine Mile Point;

THENCE, in a north by northwesterly direction approximately 2 miles to a point which is  $\frac{1}{2}$  mile due east of the channel entrance to the Fulton Harbor;

THENCE, due west to the shoreline of Live Oak Peninsula. (Acts 46th Legis., Reg.Sess., p. 336, G.L., Ch. 1, Sec. 1 (part); Acts 60th Legis., Reg.Sess., Ch. 30, Sec. 1.)

**Sec. 82.102. Boundary Markers**

The department shall place suitable markers defining the boundaries of the wildlife sanctuary. (Acts 46th Legis., Reg.Sess., p. 336, G.L., Ch. 1, Sec. 2.)

**Sec. 82.103. Unlawful Act**

No person may hunt any bird or animal within the wildlife sanctuary. (Acts 46th Legis., Reg.Sess., p. 336, G.L., Ch. 1, Sec. 1 (part).)

**Sec. 82.104. Penalties**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 46th Legis., Reg.Sess., p. 336, G.L., Ch. 1, Sec. 3.)

[Sections 82.105-82.200 reserved for expansion]

**SUBCHAPTER C. BLACK GAP WILDLIFE MANAGEMENT AREA,  
CULBERSON AND HUDSPETH COUNTIES****Sec. 82.201. Creation**

The department may set aside a fenced game management area in Culberson and Hudspeth counties for the protection and perpetuation of Texas Bighorn Mountain Sheep (*Ovis canadensis texiana*). (V.A.P.C. Art. 978n, Sec. 1.)

**Sec. 82.202. Acceptance of Gifts; Game Fund**

The department may accept gifts of land in Culberson and Hudspeth counties or money to be deposited in the special game and fish fund. The gifts shall be used for the Texas Bighorn Sheep management unit. (V. A.P.C. Art. 978n, Sec. 2.)

**Sec. 82.203. Land Purchase; School Lands**

The department may purchase the surface rights in not more than eight sections of public school lands located in Culberson and Hudspeth counties in the following blocks: Blocks 65 and 66, T. & P. Ry. Co. land; Blocks 42-½, 43, 54-½, Public School Lands. The minerals on the land purchased shall be reserved to the school fund and managed by the school land board. The price to be paid for the land shall not exceed \$1 per acre and shall be paid for by the department out of the special game and fish fund. (V.A.P.C. Art. 978n, Sec. 3.)

**Sec. 82.204. Other Land; Title Approval**

The department may purchase other land in Culberson and Hudspeth counties as necessary for the operation of the game management unit. The department may pay for the land out of the special game and fish fund on approval of the title by the attorney general. (V.A.P.C. Art. 978n, Sec. 4.)

**Sec. 82.205. Land Purchase; Private**

The department may enter on, condemn, and appropriate not more than 12 sections of land belonging to any person or corporation in Culberson and Hudspeth counties for the purpose stated in this subchapter. (V.A. P.C. Art. 978n, Sec. 5.)

**Sec. 82.206. Condemnation**

The method of condemnation, assessment, and payment of damages is the same as is provided by law for railroads. Condemnation suits brought under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of

railroad proceedings. All damages and pay or compensation for property awarded in the proceedings shall be paid by the state by warrant drawn on the special game and fish fund. (V.A.P.C. Art. 978n, Sec. 6.)

**Sec. 82.207. Expenditures**

All expenditures provided under this subchapter shall be made from the special game and fish fund. The expenditures shall not exceed \$20,000 in one year. Three-fourths of the expenditures shall be reimbursed out of federal aid in wildlife restoration funds available to the state. (V.A.P.C. Art. 978n, Sec. 8.)

[Sections 82.208–82.300 reserved for expansion]

**SUBCHAPTER D. WILDLIFE SANCTUARY: GALVESTON COUNTY**

**Sec. 82.301. Creation**

The group of small islands located in Galveston Bay near Smith's Point and known as Vingt et Un Islands are a state wildlife sanctuary. (Acts 45th Legis., Reg.Sess., Ch. 115, Sec. 1 (part).)

**Sec. 82.302. Unlawful Acts**

No person may hunt or in any way molest any of the birds on any of the islands or within 50 yards of the islands, nor may any person enter or the islands for any purpose without first obtaining permission from the department. (Acts 45th Legis., Reg.Sess., Ch. 115, Sec. 1 (part).)

**Sec. 82.303. Penalties**

A person violating any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 45th Legis., Reg.Sess., Ch. 115, Sec. 2.)

[Sections 82.304–82.400 reserved for expansion]

**SUBCHAPTER E. GAME AND FISH RESERVE: MARION AND HARRISON COUNTIES**

**Sec. 82.401. Land Set Aside**

All of the public land and school land situated in, under, and adjacent to the bed of Caddo Lake in the counties of Marion and Harrison are withdrawn from sale and preserved for public use as a state game and fish reserve. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 1.)

**Sec. 82.402. Creation**

The department may establish one or more game sanctuaries in the water of Caddo Lake for the protection of wild ducks, geese, and all other migratory birds. The sanctuaries shall protect the birds from being pursued, hunted, taken, or disturbed. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 2 (part).)

**Sec. 82.403. Boundary Markers**

The department shall designate and define the boundaries of the sanctuaries by placing markers or signs around the boundaries of each sanctuary with the words "Game Preserve" on each marker or sign. The



markers or signs shall be placed not more than 500 yards apart. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 2 (part).)

**Sec. 82.404. Amount of Area Set Aside**

The sanctuaries shall not include more than 20 percent of the area of the lake. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 2 (part).)

**Sec. 82.405. Public Hunting and Fishing**

The public may hunt and fish on all of the water of the lake except that water set aside for sanctuaries. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 3.)

**Sec. 82.406. Investigation of Feasibility of Timber Land Purchase**

The department, in conjunction with the state forester, shall investigate the feasibility and desirability of acquiring title to a block of timbered land adjacent to the lake comprising from 5,000 to 10,000 acres, to be placed under the joint control of the state forester and the department, with the view of ultimately preserving a belt of native forest for the future and also for the propagation of game. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 4.)

**Sec. 82.407. Mineral Rights**

The mineral rights under the land reserved for the sanctuaries are withdrawn from sale and the rights may not be offered for sale until the legislature directs the rights to be sold. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 5.)

**Sec. 82.408. Unlawful Acts**

(a) No person may hunt any kind of game on the sanctuaries established under this subchapter.

(b) No person may hunt any birds, fowl, or game of any kind on the sanctuaries established under this subchapter.

(c) No person may pursue or frighten or attempt to pursue or frighten any birds, fowl, or game of any kind on the sanctuaries established under this subchapter. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 2 (part).)

**Sec. 82.409. Penalty**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500, and in addition, the hunting license of the violator is subject to forfeiture for one year following the date of the conviction. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 127, Sec. 2 (part).)

[Sections 82.410–82.500 reserved for expansion]

**SUBCHAPTER F. INGLESIDE COVE WILDLIFE SANCTUARY:  
SAN PATRICIO AND NUECES COUNTIES**

**Sec. 82.501. Creation**

The Ingleside Cove Wildlife Sanctuary is composed of an area in San Patricio and Nueces counties described as follows:

**BEGINNING** at Kinney Bayou on the east shoreline of Ingleside Cove, also known as North Shore Channel;

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THENCE, in a northwesterly direction along the shoreline to channel marker number "22" with a flashing red light every 4 seconds known as Donnel Point;

THENCE, due west crossing the Reynolds Channel to the east side of a spoil bank;

THENCE, following the eastern edge of this spoil bank in a southeasterly direction to its southern most point, continuing southeast crossing Ingleside cut to the north shore of Ingleside Point;

THENCE, in an easterly and southeasterly direction along the east shoreline following the Reynolds Channel through Ingleside Point to the southern most portion of this cut;

THENCE, due east across the Reynolds Channel to the west shoreline of the mainland known as the southern most portion of Ingleside Cove;

THENCE, following the shoreline in a northerly direction being the east shoreline of Ingleside Cove to the point of beginning. (Acts 62nd Legis., Reg.Sess., Ch. 607, Sec. 1 (part).)

**Sec. 82.502. Marking Boundaries**

The department shall place suitable markers defining the boundary of the wildlife sanctuary as described in this subchapter. (Acts 62nd Legis., Reg.Sess., Ch. 607, Sec. 2.)

**Sec. 82.503. Unlawful Acts**

(a) No person may hunt any bird within the sanctuary.

(b) No person may fish by any means other than rod and reel within the sanctuary. (Acts 62nd Legis., Reg.Sess., Ch. 607, Sec. 1 (part).)

**Sec. 82.504. Penalties**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 607, Sec. 3, 4.)

[Sections 82.505–82.600 reserved for expansion]

**SUBCHAPTER G. FISH HATCHERIES: SMITH COUNTY**

**Sec. 82.601. Creation**

The department may construct, enlarge, and maintain fish hatcheries in Smith County. (V.A.C.S. Art. 4049b, Sec. 1 (part).)

**Sec. 82.602. Property Acquisition**

The department may enter on, condemn, and appropriate land, water rights, easements, rights-of-way, and property of any person or corporation in Smith County for the purposes designated in this subchapter. (V.A.C.S. Art. 4049b, Sec. 1 (part).)

**Sec. 82.603. Condemnation; Manner and Means**

The method of condemnation, assessment, and payment of damages is the same as is provided for railroads. Condemnation suits brought under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of railroad condem-

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nation proceedings. All damages and pay or compensation for property awarded in the proceedings shall be paid by the state by warrant drawn by the comptroller against any fund in the state treasury appropriated to the department for the use of constructing and maintaining fish hatcheries. (V.A.C.S. Art. 4049b, Sec. 1 (part), 2.)

[Sections 82.604–82.650 reserved for expansion]

### **SUBCHAPTER H. ISLAND CHANNEL**

#### **Sec. 82.651. Island Channel**

(a) The department may construct and maintain a channel through Padre Island, Mustang Island, and St. Jo Island, or any of them.

(b) The department may contract for the construction of a channel under this section on approval by the commission and approval from the federal government of an application for authority to construct channels.

(c) The cost of the construction and maintenance of a channel constructed under this section may be paid from the special game and fish fund only. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 227, Sec. 1, 2.)

[Sections 82.652–82.700 reserved for expansion]

### **SUBCHAPTER I. LAKE CORPUS CHRISTI GAME SANCTUARY**

#### **Sec. 82.701. Game Sanctuary**

All the water of Lake Corpus Christie in San Patricio and Live Oak counties is a game sanctuary. (Acts 47th Legis., Reg.Sess., Ch. 225, Sec. 1 (part), 1a.)

#### **Sec. 82.702. Prohibited Acts**

(a) Except as provided in Subsection (b) of this section, no person may enter on the portion of Lake Corpus Christi that is a game sanctuary with a gun or rifle, and no person may attempt to shoot a bird or animal in the portion of Lake Corpus Christi that is a game sanctuary.

(b) A person may hunt ducks and geese during the open seasons for ducks and geese with a shotgun in the portion of Lake Corpus Christi in San Patricio County. This exception does not apply to hunting within one mile of the boy scout camp, the girl scout camp, or Lake Corpus Christi Park. (Acts 47th Legis., Reg.Sess., Ch. 225, Sec. 1 (part), 1b (part).)

#### **Sec. 82.703. Markers**

The Parks and Wildlife Department shall erect appropriate markers at intervals adequately spaced to warn hunters of the one-mile limit around the boy scout camp, the girl scout camp, and Lake Corpus Christi Park in San Patricio County. (Acts 47th Legis., Reg.Sess., Ch. 225, Sec. 1b (part).)

#### **Sec. 82.704. Penalty**

A person who violates Section 82.702 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 225, Sec. 2.)

## CHAPTER 83. FEDERAL-STATE AGREEMENTS

### Section

- 83.001. Fish Restoration Projects.
- 83.002. Commercial Fisheries Research.
- 83.003. Wildlife-Restoration Projects.
- 83.004. Migratory Game Bird Reservations.

## CHAPTER 83. FEDERAL-STATE AGREEMENTS

### Sec. 83.001. Fish Restoration Projects

The department shall conduct and establish cooperative fish restoration projects under an Act of Congress entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects" (Public Law No. 681, 81st Congress). The department shall comply with the act and rules and regulations promulgated under the act by the secretary of the interior. (V.A.C.S. Art. 4050d; V.A.P.C. Art. 978f-3a, Sec. 6 (part).)

### Sec. 83.002. Commercial Fisheries Research

(a) The department shall conduct research in and develop commercial fisheries under an Act of Congress entitled "Commercial Fisheries Research and Development Act of 1964" (Title 16, Sections 779-779f, U.S.C. A.). The department shall comply with the act and the rules and regulations promulgated under the act by the secretary of the interior.

(b) Funds received from the federal government and appropriated by the state for research and development of commercial fisheries shall be deposited in the state treasury to the credit of the special game and fish fund. (V.A.C.S. Art. 4050e.)

### Sec. 83.003. Wildlife-Restoration Projects

The department shall establish and conduct cooperative wildlife-restoration projects under an Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes" (Public Law No. 415, 75th Congress). The department shall comply with the act and rules and regulations promulgated under the act by the secretary of agriculture. (V.A.C.S. Art. 4050b; V.A.P.C. Art. 978f-3a, Sec. 6 (part).)

### Sec. 83.004. Migratory Game Bird Reservations

(a) The United States of America may acquire by purchase, gift, devise, or lease areas of land or water in this state necessary for the establishment of migratory bird reservations under an Act of Congress entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes."

(b) The state retains jurisdiction and authority over the areas which are not incompatible with the administration, maintenance, protection, and control of the areas by the United States under the act. (V.A.C.S. Art. 4050a.)

## SUBTITLE F. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

### CHAPTER 86. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

#### Section

- 86.001. Management and Protection.
- 86.002. Permit Required; Penalty.
- 86.003. Application for Permit.
- 86.004. Granting of Permit.
- 86.005. Economic Considerations.
- 86.006. Permit.
- 86.007. Permits Not Assignable.
- 86.008. Denial of Permit.
- 86.009. Termination and Revocation.
- 86.010. Removal and Replanting of Oysters and Oyster Beds.
- 86.011. No Special Privileges.
- 86.012. Sales of Materials.
- 86.013. Use on Roads.
- 86.014. Use for Seawalls, Etc.
- 86.015. Sand From Corpus Christi and Nueces Bays.
- 86.016. Deposit of Funds.
- 86.017. Use of Funds.
- 86.018. Taking From Certain Areas Prohibited.
- 86.019. Oil and Gas Lessees.

## SUBTITLE F. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

### CHAPTER 86. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

#### Sec. 86.001. Management and Protection

The commission shall manage, control, and protect marl and sand of commercial value and all gravel, shell, and mudshell located within the tidewater limits of the state, and on islands within those limits, and within the freshwater areas of the state not embraced by a survey of private land, and on islands within those areas. (R.S. Art. 4051 (part).)

#### Sec. 86.002. Permit Required; Penalty

(a) No person may disturb or take marl, sand, gravel, shell, or mudshell under the management and protection of the commission or operate in or disturb any oyster bed or fishing water for any purpose other than

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that necessary or incidental to navigation or dredging under state or federal authority without first having acquired from the commission a permit authorizing the activity.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day's operation in violation of this section constitutes a separate offense. (P.C. Art. 976; R.S. Art. 4051 (part).)

**Sec. 86.003. Application for Permit**

(a) A person desiring a permit may apply to the commission.

(b) The application must be in writing and must describe the area in which authorization to operate is sought. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.004. Granting of Permit**

The commission may grant a permit to an applicant who has complied with all requirements of the commission if the commission finds that the disturbing, taking, and carrying away of marl, sand, gravel, shell, or mudshell will not:

(1) damage or injuriously affect any island, reef, bar, channel, river, creek, or bayou used for navigation, or any oysters, oyster beds, or fish in or near the water used in the operation; and

(2) change or injuriously affect any current that would affect navigation. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.005. Economic Considerations**

In determining whether or not a permit should be granted, the commission shall consider the injurious effect on oysters, oyster beds, and fish in or near the water used in the operation as well as the needs of industry for marl, sand, gravel, shell, and mudshell and its relative value to the state for commercial use. (R.S. Art. 4053, Sec. 2.)

**Sec. 86.006. Permit**

(a) The permit shall identify the person authorized to disturb, take, or carry away marl, sand, gravel, shell, or mudshell and shall describe the nature of the material that may be disturbed, taken, or carried away.

(b) The permit shall describe the area where the operation may occur and shall state the purpose of the operation.

(c) The permit may contain other terms and conditions. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.007. Permits Not Assignable**

A permit issued under this chapter is not assignable. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.008. Denial of Permit**

If the commission refuses to grant a permit to an applicant, it shall make a full written finding of facts explaining the reason for the refusal. (R.S. Art. 4053, Sec. 3.)

**Sec. 86.009. Termination and Revocation**

The failure or refusal by the holder of a permit to comply with any term or condition of the permit operates as an immediate termination and revocation of all rights conferred or claimed under the permit. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.010. Removal and Replanting of Oysters and Oyster Beds**

(a) The commission may remove oysters and oyster beds and replant them in other natural or artificial reefs if the commission finds that the removal and replanting will benefit the growth and propagation or the betterment of oysters and oyster beds or fishing conditions.

(b) The removal and replanting of oysters and oyster beds shall be at the expense of the person holding a permit or of an applicant for a permit and not the state.

(c) Before authorizing the removal and replanting of oysters or oyster beds the commission shall give notice to interested parties and hold a hearing on the subject. (R.S. Art. 4053, Sec. 4.)

**Sec. 86.011. No Special Privileges**

No special privileges or exclusive rights may be granted to any person to take marl, sand, gravel, shell, or mudshell or to operate in or on any place under this chapter. (R.S. Art. 4053, Sec. 1 (part).)

**Sec. 86.012. Sales of Materials**

(a) The commission, with the approval of the governor, may sell marl, sand, gravel, shell, and mudshell for not less than four cents a ton.

(b) The commission may require other terms and conditions for the sale of marl, sand, gravel, shell, and mudshell.

(c) Payment for sales shall be made to the commission. (V.A.C.S. Art. 4053d (part).)

(d) Marl, sand, gravel, shell, and mudshell may be removed without payment to the commission if removed from land or flats patented to a navigation district by the state for any use on the land or flats or on any adjoining land or flats for any purpose for which the land or flats may be used under the authority of the patent to the district.

**Sec. 86.013. Use on Roads**

(a) A county, subdivision of a county, city, or town that has a permit to take marl, sand, gravel, shell, or mudshell is not required to purchase marl, sand, gravel, shell, or mudshell taken and used for roads and streets.

(b) A county, subdivision of a county, city, or town that purchases marl, sand, gravel, shell, or mudshell for use on roads and streets from a holder of a permit who has purchased the material from the commission may receive a refund of the amount paid by the permit holder by submitting a sworn itemized account of an official of the county, subdivision of the county, city, or town. All refunds under this subsection must be approved by the commission and be paid by the comptroller by warrant.

(c) The State Highway Commission may receive a refund of the amount paid to the commission for the purchase of marl, sand, gravel, shell, or mudshell used by the highway commission on public roads.

(d) The commission may make regulations for the payment of refunds under this section. (V.A.C.S. Art. 4053d (part); R.S. Art. 4054.)

**Sec. 86.014. Use for Seawalls, Etc.**

(a) The commission shall grant to any county, city, or town that is authorized under Title 118, Revised Civil Statutes of Texas, 1925, to build and maintain seawalls a permit for the taking of marl, sand, gravel, shell,

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or mudshell to be used for the building, extending, protecting, maintaining, or improving any seawall, breakwater, levee, dike, floodway, or drainway.

(b) Permits under this section shall be issued under regulations established by the commission.

(c) A county, city, or town taking marl, sand, gravel, shell, or mudshell under this section is not required to purchase the marl, sand, gravel, shell, or mudshell. (R.S. Art. 4054a.)

**Sec. 86.015. Sand From Corpus Christi and Nueces Bays**

Sand and other deposits having no commercial value may be taken from Corpus Christi and Nueces bays for filling and raising the grade of the salt flats in the northern part of the city of Corpus Christi and the lowlands lying north of the north boundary line of the city of Corpus Christi, in Nueces County, and south of the south boundary line of the city of Portland, in San Patricio County, without making payments for it to the commission. (R.S. Art. 4054b.)

**Sec. 86.016. Deposit of Funds**

The proceeds from the sale of marl, sand, gravel, shell, and mudshell shall be deposited in the special game and fish fund. (V.A.C.S. Art. 4053d (part).)

**Sec. 86.017. Use of Funds**

Funds collected by the commission from the sale of marl, sand, gravel, shell, and mudshell may be used for the enforcement of the provisions of this chapter, the payment of refunds, and the construction and maintenance of fish hatcheries. No less than three-fourths of the proceeds from the sale of marl, sand, gravel, shell, and mudshell, after the payment of refunds, shall be used for the construction and maintenance of fish hatcheries. (V.A.C.S. Art. 4053d (part).)

**Sec. 86.018. Taking From Certain Areas Prohibited**

(a) No person may take marl, sand, gravel, shell, or other material from any place between a seawall and the water's edge, from a beach or shoreline within 300 feet of the mean low tide, or within one-half mile of the end of any seawall, for any purpose other than that necessary or incidental to navigation or dredging under state or federal authority.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$200. (V.A.P.C. Art. 976a.)

**Sec. 86.019. Oil and Gas Lessees**

This chapter does not require the holder of an oil and gas lease executed by the state to obtain a permit from the commission to exercise any right granted under the lease or other laws of this state. (R.S. Art. 4053, Sec. 5.)



**TITLE 6. COMPACTS****CHAPTER 91. GULF STATES COMPACT****Section**

- 91.001. Members of Commission.
- 91.002. Terms of Commission Members.
- 91.003. Delegate of Commissioner.
- 91.004. Powers and Duties.
- 91.005. Cooperation of State Agencies.
- 91.006. Reports.
- 91.007. Auditor.
- 91.008. Text of Compact.

**TITLE 6. COMPACTS****CHAPTER 91. GULF STATES COMPACT****Sec. 91.001. Members of Commission**

The three members of the Gulf States Marine Fisheries Commission from the state authorized under Article III of the Gulf States Marine Fisheries Compact are:

- (1) the executive director of the department;
- (2) a legislator appointed jointly by the lieutenant governor and speaker of the house of representatives; and
- (3) a citizen with a knowledge of the marine fisheries problems appointed by the governor with the advice and consent of the senate. (V.A.C.S. Art. 4075a, Sec. 2 (part).)

**Sec. 91.002. Terms of Commission Members**

(a) The executive director of the department shall serve on the Gulf States Marine Fisheries Commission in an ex-officio capacity, and his term expires when he ceases to hold the office of executive director of the department. His successor as a member of the Gulf States Marine Fisheries Commission is his successor as executive director of the department.

(b) The legislator appointed as a member of the Gulf States Marine Fisheries Commission shall serve in an ex-officio capacity, and his term expires at the time he ceases to hold his legislative office. His successor as a member of the Gulf States Marine Fisheries Commission shall be appointed as provided by Section 91.001(2) of this code.

(c) The citizen appointed as a member of the Gulf States Marine Fisheries Commission shall serve a term of three years or until his successor has been appointed and has qualified. A vacancy in this position shall be filled for the unexpired term by appointment by the governor with the advice and consent of the senate. (V.A.C.S. Art. 4075a, Sec. 2 (part).)

**Sec. 91.003. Delegate of Commissioner**

The executive director of the department as ex-officio member of the Gulf States Marine Fisheries Commission may delegate to an authorized

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employee of the department the power to be present and participate, including the right to vote for the executive director, at any meeting, hearing, or proceeding of the Gulf States Marine Fisheries Commission. (V.A.C.S. Art. 4075a, Sec. 2 (part).)

**Sec. 91.004. Powers and Duties**

All the powers provided for in the compact and all the powers necessary or incidental to the carrying out of the compact are granted to the Gulf States Marine Fisheries Commission and members of the commission. These powers are in aid of and supplemental to but not a limitation on the powers vested in the Gulf States Marine Fisheries Commission by other laws of this state or by the terms of the compact. (V.A.C.S. Art. 4075a, Sec. 3 (part), 4.)

**Sec. 91.005. Cooperation of State Agencies**

(a) All officers of the state shall do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact.

(b) All officers, bureaus, departments, and persons in state government shall furnish the Gulf States Marine Fisheries Commission information and data requested by the commission and aid the commission by loan of personnel or other means lying within their legal rights. (V.A.C.S. Art. 4075a, Sec. 3 (part).)

**Sec. 91.006. Reports**

The Gulf States Marine Fisheries Commission shall keep accurate accounts of receipts and disbursements and shall submit on or before February 10 of each year a report to the governor and legislature of the state containing:

(1) a detailed description of the transactions conducted by the commission during the preceding calendar year;

(2) recommendations for any legislative action considered advisable or necessary to carry out the intent and purposes of the compact. (V.A.C.S. Art. 4075a, Sec. 5 (part).)

**Sec. 91.007. Auditor**

The state auditor from time to time shall examine the accounts and books of the Gulf States Marine Fisheries Commission, including receipts, disbursements, and other items relating to its financial standing. The auditor shall report the results of the examination to the governor of each state that is a party to the compact. (V.A.C.S. Art. 4075a, Sec. 5 (part).)

**Sec. 91.008. Text of Compact**

The Gulf States Marine Fisheries Compact reads as follows:

**GULF STATES MARINE FISHERIES COMPACT**

The contracting states solemnly agree:

**ARTICLE I**

Whereas the Gulf Coast States have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the

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fisheries, marine, shell and anadromous, of the seaboard of the Gulf of Mexico, by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

### **ARTICLE II**

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Florida, Alabama, Mississippi, Louisiana and Texas have ratified it and the Congress has given its consent, pursuant to Article I, Section 10 of the Constitution of the United States. Any state contiguous to any of the aforementioned states or riparian upon waters which flow into waters under the jurisdiction of any of the aforementioned States and which are frequented by anadromous fish or marine species, may become a party hereto as hereinafter provided.

### **ARTICLE III**

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such State charged with the conservation of the fishery resources to which this compact pertains; or, if there be more than one officer or agency, the official of that State named by the Governor thereof. The second shall be a member of the Legislature of such State designated by such Legislature, or in the absence of such designation, such legislator shall be designated by the Governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such State, the second member shall be appointed in such manner as may be established by law. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries, to be appointed by the Governor. This commission shall be a body corporate with the powers and duties set forth herein.

### **ARTICLE IV**

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Gulf Coast. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdictions to promote the preservation of these fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fishery resources of the aforementioned States. To that end the commission shall draft and recommend to the Governors and Legislatures of the various signatory States, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Gulf seaboard. The commission shall from time to time present to the Governor of each compacting State its recommendations relating to enactments to be presented to the Legislature of that State in furthering the interest and purposes of this compact. The commission shall consult with and advise the pertinent administrative agencies in the States party hereto with regard to problems connected with the fisheries, and recommend the adoption of

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such regulations as it deems advisable. The commission shall have power to recommend to the States party hereto the stocking of the waters of such States with fish and fish eggs or joint stocking by some or all of the States party hereto, and when two or more States shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

**ARTICLE V**

The commission shall elect from its number a chairman and vice-chairman and shall appoint, and at its pleasure remove or discharge, such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place; but must meet at least once a year.

**ARTICLE VI**

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting States. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting States which have an interest in such species. The commission shall define what shall be an interest.

**ARTICLE VII**

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Gulf States Marine Fisheries Commission, cooperating with the research agencies in each State for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission. An advisory committee to be representative of the commercial salt water fishermen and the salt water anglers and such other interests of each State as the commissioners deem advisable may be established by the commissioners from each State for the purpose of advising those commissioners upon such recommendations as it may desire to make.

**ARTICLE VIII**

When any State, other than those named specifically in Article II of this compact, shall become a party hereto for the purpose of conserving its anadromous fish or marine species in accordance with the provisions of Article II, the participation of such State in the action of the commission shall be limited to such species of fish.

**ARTICLE IX**

Nothing in this compact shall be construed to limit the powers of the proprietary interest of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by a signatory State, imposing additional conditions and restrictions to conserve its fisheries.

## ARTICLE X

It is agreed that any two or more States party hereto may further amend this compact by acts of their respective Legislatures, subject to approval of Congress as provided in Article I, Section X, of the Constitution of the United States, to designate the Gulf States Marine Fisheries Commission as a joint regulating authority for the joint regulation of specific fisheries affecting only such States as shall so compact, and at their joint expense. The representatives of such States shall constitute a separate section of the Gulf States Marine Fisheries Commission for the exercise of the additional powers so granted, but the creation of such section shall not be deemed to deprive the States so compacting of any of their privileges or powers in the Gulf States Marine Fisheries Commission as constituted under the other Articles of this compact.

## ARTICLE XI

Continued absence of representation or of any representative on the commission from any State party hereto, shall be brought to the attention of the Governor thereof.

## ARTICLE XII

The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the States party hereto. Such initial appropriation as set forth below shall be made available yearly until modified as hereinafter provided.

Florida	\$3,500.00
Alabama	1,000.00
Mississippi	1,000.00
Louisiana	5,000.00
Texas	2,500.00
Total	\$13,000.00

The proration and total cost per annum of Thirteen Thousand (\$13,000.-00) Dollars, above mentioned, is estimative only, for initial operations, and may be changed when found necessary by the commission and approved by the Legislatures of the respective States. Each State party hereto agrees to provide in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted sections or committees.

## ARTICLE XIII

This compact shall continue in force and remain binding upon each compacting State until renounced by Act of the Legislature of such State, in such form as it may choose; provided that such renunciation shall not become effective until six months after the effective date of the action taken by the Legislature. Notice of such renunciation shall be given the other States party hereto by the Secretary of State of compacting State so renouncing upon passage of the Act. (V.A.C.S. Art. 4075a, Sec. 1 (part).)

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## **TITLE 7. LOCAL AND SPECIAL LAWS**

### **CHAPTER 101. ANDERSON COUNTY**

#### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

##### **Sec. 101.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Anderson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 101.002–101.010 reserved for expansion]

#### **SUBCHAPTER B. FISH**

##### **Sec. 101.011. Fish Sale**

(a) No person, firm, or corporation may fish for, take, catch, or have in possession for sale, or carry, transport, or ship for sale, or buy or sell, or offer to buy or sell, barter, or exchange any fish caught from the water of the Neches River in Anderson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish caught and each sale or shipment in violation of this section constitutes a separate offense. Acts 50th Legis., Reg.Sess., Ch. 159.)



**Sec. 101.012. Nets**

(a) During the months of June, July, August, September, October, November, December, and January, no person may place or use a setnet or dragnet or seine or take or catch fish in the water of the Neches River in Anderson County.

(b) This section does not prohibit the use of minnow seines as provided by law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 60th Legis., Reg.Sess., Ch. 164, Sec. 1.)

**Sec. 101.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit any catfish, perch, crappie, white perch, bass, trout, or other edible fish on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Anderson County and leave the fish to die without the intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left in violation of this section is a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 102. ANDREWS COUNTY**

**Sec. 102.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Andrews County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 103. ANGELINA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 103.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies in Angelina County only to freshwater fish in Sam Rayburn Reservoir. (V.A.P.C. Art. 978j-1, Sec. 1 (part), 3(c)(11) (part).)

[Sections 103.002-103.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 103.011. Squirrel Season**

(a) No person may hunt squirrel in Angelina County at any time except during the period beginning on October 1 and extending through January 15.

(b) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 53rd Legis., Reg.Sess., Ch. 398.)

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**Sec. 103.012. Squirrel Limit**

(a) No person may take more than five squirrels a day during the open season.

(b) A person who violates this section is punishable by a fine of not more than \$50. (P.C. Art. 923l (part).)

**Sec. 103.013. Trailing Wounded Deer With Dogs**

A person may use dogs to trail a wounded deer in Angelina County. (P.C. Art. 880 (part).)

[Sections 103.014–103.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 103.021. Quail**

(a) No person may hunt wild quail in Angelina County except during the period beginning on December 1 and extending through January 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. The taking or killing of each bird in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 435.)

**Sec. 103.022. Turkey**

(a) No person may hunt wild turkey in Angelina County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$300. (Acts 60th Legis., Reg.Sess., Ch. 392, Sec. 1 (part), 2.)

[Sections 103.023–103.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 103.031. Fish**

(a) No person may use a net with less than three inches square mesh to take fish in the water of Angelina County, excluding Sam Rayburn Reservoir.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 30 days, or both. (V.A.P.C. Art. 952l–9, Sec. 2 (part), 3.)

[Sections 103.032–103.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 103.041. Fox**

(a) No person may shoot or attempt to shoot or trap wild fox in Angelina County on land other than that which he owns, leases, or holds under an agreement to work the land unless:

(1) the fox is rabid; or

(2) prior written consent to kill fox from the owner or lessee of the land on which he is hunting has been obtained.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 58th Legis., Reg.Sess., Ch. 410.)

**Sec. 103.042. Fur-Bearing Animals**

(a) No person may take the pelt of a fur-bearing animal in Angelina County except during the months of January and December.

(b) Only during the season set out in Subsection (a) of this section, a person may take fur-bearing animals by a trap or other mechanical device on property that he owns or on property for which a written permit has been given by the owner for trapping purposes.

(c) Pelts of fur-bearing animals taken under this section may be sold or offered for sale.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 43rd Legis., Reg.Sess., S.L., Ch. 77.)

**CHAPTER 104. ARANSAS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 104.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources of Aransas County. (V.A.P.C. Art. 978j-1, Sec. 1 (part), 1A.)

**Sec. 104.002. Partial Exclusion of Certain Area**

For that part of San Antonio Bay lying within the northeast part of Aransas County, the Aransas River where it forms the boundary with Refugio County, and Copano Creek where it forms the boundary with Calhoun County, wildlife resources under the Uniform Wildlife Regulatory Act includes only fish, aquatic life, and marine animals and does not include oysters. (V.A.P.C. Art. 978j-1, Sec. 3(d)(1).)

[Sections 104.003-104.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 104.011. Shrimp**

In Aransas County shrimp are not covered under the Uniform Wildlife Regulatory Act. (V.A.P.C. Art. 978j-1, Sec. 3(c)(1) (part).)

**Sec. 104.012. Net-Free Zone**

(a) The net-free zone in Aransas County is comprised of Little Bay and the water area of Aransas Bay within one-half mile of a line from Hail Point on the Lamar Peninsula, then direct to the eastern end of Goose Island, then along the southern shore of Goose Island, then along the causeway between Lamar Peninsula and Live Oak Peninsula, then along the eastern shoreline of the Live Oak Peninsula past the town of Fulton, past Nine-mile Point, past the town of Rockport to a point at the east end of Talley Island. The net-free zone also includes that part of Copano Bay within 1,000 feet of the causeway between Lamar Peninsula and Live Oak Peninsula.

(b) No person may set or drag a net or seine except a minnow seine not exceeding 20 feet in length for taking bait in the net-free zone.

(c) No person may place or set a trotline or crab trap in the net-free zone.

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(d) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 978j-1, Sec. 13(c), 13(d).)

**CHAPTER 105. ARCHER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 105.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Archer County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 105.002–105.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 105.011. Fish Sale**

(a) No person, firm, or corporation may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from the diversion dam on the Big Wichita River in the northeast corner of Archer County, above the dam and up the valley of the Big Wichita River to the storage dam on the river in Baylor County, up the river from the storage dam as far as the water is impounded in the river by the storage dam in Archer County, or from any water in Lake Wichita in Archer County, or from Diversion Lake formed in Archer County, or from the water in laterals leading off of irrigation canals connected with Lake Kemp or the diversion dam, or from any water in Archer County in the lateral, canal, or drainage ditch leading from what is known as the South Side Canal out of Diversion Lake from a point in the South Side Canal in Section No. 16, of Denton County school lands, League No. 4, Wichita County, to Holliday Creek and down Holliday Creek to Lake Wichita in Archer County, or from the water of Lake Arrowhead located in Archer County or any water in Lake Kickapoo in Archer County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50 for each violation.

(c) Each fish caught, sold, or purchased in violation of this section constitutes a separate offense.

(d) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in his possession, or the county where the fish are sold, bartered, offered for sale or barter, or bought. (V.A.P.C. Art. 952a (part); Art. 952i; and Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 1, 10.)

**Sec. 105.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Subsection (a), Section 105.011 of this code, any bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without any intent to eat the fish, or leave any minnows without any intent to use them for bait.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense. (V.A.P.C. Art. 952h, Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 6.)

### **Sec. 105.013. Injuring Fish**

(a) No person may injure or destroy any fish by using dynamite, powder, other explosive, or poison in any of the water described in Subsection (a), Section 105.011 of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000, and may be confined in the county jail for not more than one year. (V.A.P.C. Art. 952b, Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 3.)

### **Sec. 105.014. Special Charge**

District judges of Archer County shall give a special charge on this subchapter to the grand juries of Archer County. (V.A.P.C. Art. 952j; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 9.)

## **CHAPTER 106. ARMSTRONG COUNTY**

### **Sec. 106.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Armstrong County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 107. ATASCOSA COUNTY**

### **Sec. 107.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Atascosa County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 108. AUSTIN COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 108.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies only to the following wildlife resources in Austin County:

- (1) deer;
- (2) quail; and
- (3) turkey. (V.A.P.C. Art. 978j-1, Sec. 1 (part), Sec. 3(c)(2) (part).)

[Sections 108.002-108.010 reserved for expansion]

### **SUBCHAPTER B. GAME ANIMALS**

#### **Sec. 108.011. Squirrel Season**

(a) No person may hunt squirrel in Austin County except during the open season.

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(b) The open season for squirrel in Austin County is during May, June, July, October, November, and December of each year.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (V.A.P.C. Art. 923ll-4, Sec. 1 (part), 2.)

**Sec. 108.012. Squirrel Retention Limits**

(a) No person may take or kill more than 10 squirrels in one day in Austin County.

(b) No person may possess at one time more than 20 squirrels taken or killed in Austin County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each squirrel taken or possessed in violation of this section is a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 158.)

[Sections 108.013–108.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 108.021. Minnows**

(a) No person may use a minnow seine in excess of 20 feet in length to take minnows in Austin County.

(b) No person may transport to, sell in, or take for the purpose of transporting to or selling in a county other than Austin County minnows taken from the fresh water of Austin County.

(c) The transportation out of Austin County of more than 250 minnows at one time by one person or the transportation out of Austin County of any minnows by a commercial minnow dealer or his agent is a prima facie violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 283, Sec. 2a, 3.)

**CHAPTER 109. BAILEY COUNTY**

**Sec. 109.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bailey County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 110. BANDERA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 110.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bandera County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 110.002–110.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 110.011. Injuring Fish**

(a) No person may destroy fish in the freshwater streams of Bandera County by the use of any dynamite, powder, or other explosive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year. (P.C. Art. 952, Sec. 2.)

**Sec. 110.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Bandera County any catfish, crappie, perch, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 111. BASTROP COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 111.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bastrop County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 111.002-111.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 111.011. Minnow Transport**

(a) No person may transport more than 150 minnows taken from the fresh water of Bastrop County beyond the limits of Bastrop County at any one time.

(b) Possession of more than 150 minnows at one time is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 52nd Legis., Reg.Sess., Ch. 437.)

**CHAPTER 112. BAYLOR COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 112.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Baylor County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 112.002-112.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 112.011. Fish Sale**

(a) No person, firm, or corporation may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, above the dam, up the valley of the river to the storage dam on the river in Baylor County, up the valley of the river from the storage dam as far as the water is impounded by the dam in the river in Baylor County, or from any water impounded in Baylor County by the diversion dam, or from any water impounded in Baylor County by the storage dam, or from any water in the Big Wichita River in Baylor County connecting with the big reservoir or Lake Kemp created by the storage dam with the diversion reservoir or Diversion Lake formed in Baylor County by the diversion dam, or from any water of the irrigation canals connected with Lake Kemp or the diversion dam, or from any water in laterals leading off of the canals in Baylor County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50 for each violation.

(c) Each fish caught, sold, or purchased in violation of this section constitutes a separate offense.

(d) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in possession, or where the fish are sold, bartered, offered for sale or barter, or bought. (V.A.P.C. Art. 952a (part); Art. 952i; and Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 10.)

**Sec. 112.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Subsection (a), Section 112.011 of this code, any bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without any intent to eat the fish or leave any minnows without any intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense. (V.A.P.C. Art. 952h; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 6.)

**Sec. 112.013. Injuring Fish**

(a) No person may injure or destroy any fish by using dynamite, powder, other explosive, or poison in any of the water described in Subsection (a), Section 112.011 of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year. (V.A.P.C. Art. 952b; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 3.)

**Sec. 112.014. Special Charge**

District judges of the judicial districts of Baylor County shall give a special charge on Sections 112.011 through 112.013 of this code to the



grand juries of Baylor County. (V.A.P.C. Art. 952j; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 9.)

**Sec. 112.015. Minnow Sale and Transport**

(a) No person may take minnows from the water of Baylor County for transport and sale out of the county.

(b) Taking more than 200 minnows from the water of Baylor County and transporting them from Baylor County to any other county in this state is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 52, Sec. 1 (part), 3.)

**CHAPTER 113. BEE COUNTY**

**Sec. 113.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bee County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 114. BELL COUNTY**

**SUBCHAPTER A. APPLICATION OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 114.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 114.002-114.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 114.011. Minnow Sale**

(a) No person may take from any stream, pond, lake, or lagoon in Bell County minnows commonly used for fish bait if the minnows are to be used for the purpose of barter or sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 43rd Legis., 2nd C.S., Ch. 27, Sec. 1, 3.)

**Sec. 114.012. Transporting Minnows**

(a) No person may take minnows from the public water of Bell County for the purpose of transporting the minnows out of Bell County for sale or barter outside the county.

(b) No person may sell minnows taken from the public water of Bell County outside the county.

(c) The transportation out of Bell County of more than 125 minnows by a person at one time or the transportation out of the county or possession of more than 500 minnows at one time by a commercial minnow dealer or his agent who is not from Bell County is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each minnow possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., 1st C.S., Ch. 15.)

## **CHAPTER 115. BEXAR COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 115.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bexar County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 115.002–115.010 reserved for expansion]

### **SUBCHAPTER B. GAME ANIMALS**

#### **Sec. 115.011. Axis Deer**

In Bexar County, wild axis deer not individually owned are included under the term “wildlife resources” for regulatory purposes under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(14).)

#### **Sec. 115.012. Axis Deer: Treated as Other Deer**

(a) The regulations on the taking of axis deer not individually owned in Bexar County shall be the same as for other deer.

(b) The licensing and tagging requirements of Chapter 42 of this code shall be uniformly applied to axis deer not individually owned, and no extra deer tags may be issued for axis deer. (V.A.P.C. Art. 978j 1, Sec. 13(q).)

[Sections 115.013–115.020 reserved for expansion]

### **SUBCHAPTER C. FISH**

#### **Sec. 115.021. Fish Sale**

(a) No person may barter, sell, or offer to barter or sell any bass, white perch, crappie, catfish taken from the streams of Bexar County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 and not more than \$50. P.C. Art. 952, Sec. 1 (part); Art. 955 (part).)

#### **Sec. 115.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Bexar County any catfish, crappie, perch, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 115.023. Injuring Fish**

(a) No person may destroy fish in the freshwater streams of Bexar County by the use of any dynamite, powder, or other explosive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year. (P.C. Art. 952, Sec. 2.)

**CHAPTER 116. BLANCO COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 116.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Blanco County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 116.002–116.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING****Sec. 116.011. Definitions**

As used in this subchapter:

(1) "Buck deer" means a deer that has a hardened antler protruding through the skin.

(2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 116.012. Open Archery Season**

(a) The open archery season in Blanco County is the 30 calendar days immediately preceding the open season for hunting deer in Blanco County as provided by law or by proclamation of the department.

(b) During the open archery season a person may hunt, take, and kill wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

**Sec. 116.013. Prohibited Archery Equipment**

No person may hunt, take, or kill wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in Blanco County by means of:

(1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) arrows that are not equipped with broadhead hunting points at least seven-eighths inch in width and not more than one and one-half inches in width;

(3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or

(4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 116.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Blanco County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 116.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season in Blanco County.

(b) No person may possess an antlerless deer in Blanco County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Blanco County that does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In Blanco County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 116.016. Penalty**

A person who violates any provision of Sections 116.012–116.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 116.017. Possession of Firearms**

(a) No person may hunt, kill, or take wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Blanco County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 116.018–116.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 116.021. Fish Sale**

(a) No person may take, offer, or possess for the purpose of sale any catfish, perch, crappie, bream, or bass in Blanco County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56, Sec. 1 (part), 2.)

**Sec. 116.022. Minnow Transport**

(a) No person may transport minnows taken, caught, or seined from the water of Blanco County to another county in this state.

(b) The possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 5.)

**CHAPTER 117. BORDEN COUNTY**

**Sec. 117.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Borden County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 118. BOSQUE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 118.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bosque County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 118.002-118.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 118.011. Sale of Fish From Lake Waco or Bosque River**

(a) No person may barter or sell, offer to barter or sell, or buy any bass, crappie, perch, channel or Opelousas catfish, or any other fish taken from the water of Lake Waco or the Bosque Rivers and their tributaries in Bosque County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish caught, possessed, sold, offered for sale, or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the offense is committed, where he is found with the fish, or where the fish are sold or offered for sale.

(d) The district judges of the judicial districts of Bosque County shall give a special charge on this section to the grand juries of Bosque County. (Acts 42nd Legis., 2nd C.S., Ch. 28, Sec. 1 (part), 7, 8.)

**Sec. 118.012. Sale of Fish From the Brazos River or Lake Whitney**

(a) No person may offer, expose, or possess for sale or sell any fish taken from the water of the Brazos River, Lake Whitney, or their tributaries in Bosque County except as authorized by the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than

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**\$100.** The possession of each fish in violation of this section constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 188, Sec. 4 (part), 5.)

**Sec. 118.013. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may take minnows from the water of Bosque County to transport out of the county for sale.

(b) A person may raise and propagate minnows on his own premises or on premises under his control for personal use or commercial purposes, including sale inside or outside the county.

(c) Transportation of more than 100 minnows from the water of Bosque County to another county in this state is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (Acts 51st Legis., Reg.Sess., Ch. 215, Sec. 3, 4; Acts 54th Legis., R. S., Ch. 474, Sec. 1 (part).)

**CHAPTER 119. BOWIE COUNTY**

**Sec. 119.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Bowie County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 120. BRAZORIA COUNTY**

**Sec. 120.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Brazoria County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 121. BRAZOS COUNTY**

**Sec. 121.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Brazos County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 122. BREWSTER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 122.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Brewster County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 122.002-122.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 122.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in Brewster County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**CHAPTER 123. BRISCOE COUNTY**

**Sec. 123.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Briscoe County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 124. BROOKS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 124.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Brooks County. (New.)

[Sections 124.002-124.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 124.011. Collared Peccary**

(a) Except as provided in Subsection (b) of this section, a person may take, capture, shoot, or kill collared peccary (javelina) at any time in Brooks County.

(b) No person may sell or offer for sale, or take, kill, or possess for the purpose of sale collared peccary (javelina) or any part of a collared peccary (javelina).

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) sold, offered for sale, or taken or possessed for the purpose of sale constitutes a separate offense. (Acts 58th Legis., Reg.Sess., Ch. 12.)

[Sections 124.012-124.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 124.021. Quail**

(a) No person may take or kill quail in Brooks County except during the open season, which is December 1 of one year to January 31 of the following year, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail killed or taken in violation of this section constitutes a separate offense. (Acts 56th Legis., Reg.Sess., Ch. 272, Sec. 1, 2, and 4.)

**CHAPTER 125. BROWN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 125.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Brown County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 125.002–125.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 125.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, channel catfish, or catfish caught, trapped, or ensnared in the streams of Brown County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 125.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Brown County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 126. BURLESON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 126.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Burleson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 126.002–126.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 126.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in Burleson County except those fish in the Somerville Reservoir. (V.A.P.C. Art. 978j-1, Sec. 3(c)(4).)

**Sec. 126.012. Minnow Transport**

(a) As used in this section, "minnow hatchery" means a pond or series of ponds situated entirely on private, enclosed property and not connect-



ed with nor any part of a stream and used in whole or in part for the propagation of minnows.

(b) No person may transport minnows taken, caught, or seined in Burleson County to any other county in this state except as provided in Subsections (c) and (d) of this section.

(c) A person may transport not more than 500 minnows from Burleson County for personal use.

(d) Minnows raised in a minnow hatchery may be taken from Burleson County to another county.

(e) The possession of more than 500 minnows at one time is prima facie evidence of a violation of this section unless the minnows were raised in a minnow hatchery.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 56th Legis., Reg.Sess., Ch. 138.)

## CHAPTER 127. BURNET COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 127.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Burnet County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 127.002-127.010 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

#### Sec. 127.011. Definitions

As used in this subchapter:

(1) "Buck deer" means a deer that has a hardened antler protruding through the skin.

(2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

#### Sec. 127.012. Open Archery Season

(a) The open archery season in Burnet County is 30 calendar days immediately preceding the open season for hunting deer in Burnet County as provided by law or by proclamation of the department.

(b) During the open archery season, a person may hunt, take, and kill wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

#### Sec. 127.013. Prohibited Archery Equipment

No person may hunt, take, or kill wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in Burnet County by means of:

(1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

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(2) arrows that are not equipped with broadhead hunting points at least seven-eighths inch in width and not more than one and one-half inches in width;

(3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or

(4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 127.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Burnet County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 127.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season.

(b) No person may possess an antlerless deer in Burnet County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Burnet County that does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In Burnet County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 127.016. Penalty**

A person who violates Section 127.012 through Section 127.015 of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 127.017. Possession of Firearms**

(a) No person may hunt, kill, or take wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Burnet County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 127.018–127.020 reserved for expansion]

## SUBCHAPTER C. FISH

**Sec. 127.021. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Burnet County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 127.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Burnet County any catfish, perch, crappie, white perch bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**Sec. 127.023. Minnow Transport**

(a) No person may transport minnows caught, seined, or taken from Burnet County into another county of this state.

(b) The possession of more than 500 minnows at one time by a person is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 5.)

## CHAPTER 128. CALDWELL COUNTY

**Sec. 128.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Caldwell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## CHAPTER 129. CALHOUN COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

**Sec. 129.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Calhoun County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**Sec. 129.002. Wildlife Act Applicability: Exclusions**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to oysters and shrimp in Calhoun County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 129.003–129.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 129.011. Guadalupe River: Fishing Methods**

(a) No person may catch fish from the Guadalupe River in Calhoun County except by:

- (1) hook and line;
- (2) trotline;
- (3) flounder gig and light; or
- (4) cast net or minnow seine not exceeding 20 feet in length to be used for catching bait only.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 321 (part).)

**CHAPTER 130. CALLAHAN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 130.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Callahan County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 130.002–130.010 reserved for expansion]

**SUBCHAPTER B. LAKE BAIRD**

**Sec. 130.011. Minnows**

No person may take from Lake Baird in Callahan County minnows commonly used for bait if the minnows are to be used for barter or sale. (Acts 52nd Legis., Reg.Sess., Ch. 46, Sec. 3.)

**Sec. 130.012. Fish Sale**

No person may sell, buy, offer to sell or buy, or take or possess for commercial purposes fish taken from Lake Baird in Callahan County. (Acts 52nd Legis., Reg.Sess., Ch. 46, Sec. 5.)

**Sec. 130.013. Discharge of Firearm**

(a) Except as provided in this section, no person may shoot, fire, or discharge any pistol or rifle in, on, along, or across Lake Baird in Callahan County.

(b) This section does not apply to peace officers or other representatives of the department in the conduct of their official duties.

(c) This section does not apply to a person hunting with a shotgun during an open season in Callahan County. (Acts 52nd Legis., Reg.Sess., Ch. 46, Sec. 6.)

**Sec. 130.014. Penalty**

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this subchapter constitutes a separate offense. (Acts 52nd Legis., Reg.Sess., Ch. 46, Sec. 8.)

## CHAPTER 131. CAMERON COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

**Sec. 131.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Cameron County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**Sec. 131.002. Regulatory Act: Shrimp and Oysters in Outside Water Excluded**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to shrimp and oysters in the outside water of the Gulf of Mexico in Cameron County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 131.003–131.010 reserved for expansion]

## SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

**Sec. 131.011. Audubon Society Land**

(a) This section applies to Green Island and the group of three islands in Big Bay and the flats, reefs, and shallow water near those islands in Cameron County during the period that the National Association of the Audubon Societies is the lessee of those islands.

(b) No person, other than an agent, representative, or employee of the National Association of Audubon Societies or an officer of this state or the United States may enter on the land without the knowledge or consent of the association for the purpose of hunting a bird or for the purpose of taking or destroying a bird egg or nest.

(c) No person may hunt or molest a bird on the described land whether the person is on or off the described land.

(d) No person may discharge a firearm or explosive on or above the described land.

(e) No person may land, tie, or anchor a fishing boat in the described land.

(f) This section does not prohibit an agent, representative, or employee of the association from:

- (1) hunting birds known to be a prey on other birds or eggs; or
- (2) taking birds and eggs for propagation, conservation, or scientific purposes.

(g) This section does not prohibit a person from taking refuge on the described land because of storms.

(h) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500 or by confinement in jail for not less than 10 days nor more than 6 months, or by both. (P.C. Art. 923c (part).)

[Sections 131.012–131.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 131.021. Flounder, Speckled Trout, and Redfish Size Limits**

(a) No person in Cameron County may retain or place in a container or boat or on a stringer a speckled trout less than 12 inches long, a flounder less than 12 inches long, or a redfish less than 14 inches long.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish retained in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 80.)

**CHAPTER 132. CAMP COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 132.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to Camp County. (New.)

[Sections 132.002–132.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 132.011. Definition**

As used in this subchapter, "buck deer" means a deer having a hardened antler protruding through the skin. (Acts 59th Legis., Reg.Sess., Ch. 589, Sec. 3 (part).)

**Sec. 132.012. Deer Season**

No person may hunt or possess any wild deer in Camp County except during the open season, which is the 15-day period beginning on the first Saturday following November 16. (Acts 59th Legis., Reg.Sess., Ch. 589, Sec. 2.)

**Sec. 132.013. Deer Limit and Possession**

(a) No person may hunt or possess any deer except a buck deer in Camp County.

(b) No person may hunt, take, or possess more than one buck deer in Camp County during an open season. (Acts 59th Legis., Reg.Sess., Ch. 589, Sec. 3 (part).)

**Sec. 132.014. Penalty**

(a) A person who violates Sections 132.012 or 132.013 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200, or confinement in the county jail for not less than 1 day nor more than 30 days, or both.

(b) Each deer taken or possessed in violation of this subchapter constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 589, Sec. 4.)

**Sec. 132.015. Squirrel**

(a) No person may hunt squirrel in Camp County except during the open season, which is October 1 through January 15.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 57th Legis., Reg.Sess., Ch. 49, Sec. 1(a), 2.)

[Sections 132.016–132.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 132.021. Quail**

(a) No person may hunt wild quail in Camp County except during the open season, which is December 1 of one year to January 16 of the following year, both dates inclusive. However, no person may hunt quail on Sundays during the open season.

(b) No person may kill more than 12 quail in one day, or more than 36 quail in any seven-day period. No person may possess more than 36 quail at one time.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each bird killed or possessed in violation of this section constitutes a separate offense. (Acts 52nd Legis., Reg.Sess., Ch. 67.)

**Sec. 132.022. Turkey**

(a) No person may hunt wild turkey except during the open season, which is November 16 to December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4.)

[Sections 132.023–132.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 132.031. Fox**

(a) No person may trap, hunt with guns, or possess for barter or sale any wild fox or the pelts of wild fox in Camp County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50.

(c) A farmer or poultry raiser is not guilty of violating this section if he kills a fox that is in the act of destroying chickens, other poultry, or farm animals. (Acts 44th Legis., 2nd C.S., Ch. 457.)

**Sec. 132.032. Hunting Mink With Dogs**

Section 72.004 of this code, prohibiting hunting mink with dogs and possessing a mink pelt while hunting with dogs, does not apply in Camp County. (V.A.P.C. Art. 923m, Sec. 4 (part).)

**CHAPTER 133. CARSON COUNTY**

**Sec. 133.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Carson County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 134. CASS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 134.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Cass County. (New.)

[Sections 134.002–134.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 134.011. Deer Season**

No person may hunt deer in Cass County except during the open season, which is November 16 through November 21 and December 26 through December 31. (Acts 59th Legis., Reg.Sess., Ch. 231, Sec. 2, 3(a).)

**Sec. 134.012. Deer Limit**

(a) No person may take or kill more than two deer during an open season in Cass County.

(b) No person may take, kill, or possess any deer except a buck deer with a pronged antler in Cass County. (Acts 59th Legis., Reg.Sess., Ch. 231, Sec. 3(b), (c).)

**Sec. 134.013. Use of Firearms**

(a) No person may use .22 caliber rimfire ammunition to hunt deer in Cass County.

(b) No person may hunt wild deer in Cass County by any means other than with a rifle or shotgun capable of being fired from the shoulder. (Acts 59th Legis., Reg.Sess., Ch. 231, Sec. 4.)

**Sec. 134.014. Penalty**

A person who violates Sections 134.011 through 134.013 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each deer taken, killed, or possessed in violation of this subchapter constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 231, Sec. 5.)

**Sec. 134.015. Squirrel**

(a) No person may take or kill squirrel in Cass County except during the months of October, November, and December.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$100. (Acts 51st Legis., Reg.Sess., Ch. 473, Sec. 1a (part).)

[Sections 134.016–134.020 reserved for expansion]



**SUBCHAPTER C. BIRDS**

**Sec. 134.021. Turkey**

(a) No person may possess wild turkey killed or caught in Cass County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 48th Legis., Reg.Sess., Ch. 141, Sec. 2 (part), 3.)

**Sec. 134.022. Quail**

(a) No person may hunt wild quail in Cass County except during the open season, which is December 1 through February 15.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each bird taken or killed in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 412, Sec. 1 (part), 2.)

[Sections 134.023–134.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 134.031. Methods of Fishing**

(a) No person may take or catch fish in the public fresh water of Cass County by any means other than an ordinary hook and line, set hook and line, gig, or artificial bait.

(b) Except as provided in Subsections (c) and (d) of this section, no person may place in the public fresh water of Cass County any seine, net, or other device or trap for taking or catching fish.

(c) A minnow seine not longer than 20 feet may be used to catch minnows for bait.

(d) A hoop, trammel or gill net with meshes not less than three inches square may be used in the fresh water of Cass County for taking or catching buffalo fish, carp, and catfish except during the months of March and April.

(e) No person may use a pond net.

(f) All fish and minnows more than two and one-half inches long taken in seining for minnows must be returned to the water alive.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (V.A.P.C. Art. 952aa-3 (part).)

**Sec. 134.032. Crappie**

There is no daily catch or retention limit on crappie or white perch in Cass County. (Acts 61st Legis., Reg.Sess., Ch. 66, Sec. 1.)

[Sections 134.033–134.040 reserved for expansion]

**SUBCHAPTER E. LAKE TEXARKANA**

**Sec. 134.041. Discharge of Firearm**

(a) Except as provided in this section, no person may shoot a pistol or rifle in, on, along, or across Lake Texarkana.

(b) Subsection (a) of this section does not apply to peace officers, game wardens, or representatives of the department in the lawful discharge of their duties.

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(c) Subsection (a) of this section does not apply to a person hunting with a shotgun during an open season or when it is lawful to hunt in or on Lake Texarkana.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 55th Legis., 1st C.S., Ch. 3, Sec. 4, 5, 6.)

**CHAPTER 135. CASTRO COUNTY**

**Sec. 135.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Castro County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 136. CHAMBERS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 136.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources of Chambers County. (New.)

[Sections 136.002-136.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO  
HUNTING**

**Sec. 136.011. Hunting With Certain Weapons**

(a) No person in Chambers County may hunt with a shotgun using a shell larger than No. four squirrel shot or with a rifle larger than a rimfire .22 caliber rifle where deer are known to roam, except during the open season for deer.

(b) The evidence of possession of a shotgun and shell containing larger than No. four squirrel shot or a rifle larger than a rimfire .22 caliber rifle in or through woods where deer are known to roam constitutes prima facie evidence of a violation of this section. (Acts 62nd Legis., Reg. Sess., Ch. 999, Sec. 1, 2.)

**Sec. 136.012. Shooting in Certain Places**

(a) No person may shoot a pistol or rifle in, on, along, or across the water of the Trinity River, Wallisville Reservoir, and Lake Anahuac in Chambers County.

(b) No person may shoot a pistol, crossbow, bow and arrow, shotgun, or rifle in, on, along, or across the water of Oyster Bayou in Chambers County from State Highway 65 south to the mouth of Oyster Bayou in East Bay.

(c) The water described in Subsections (a) and (b) of this section are part of the public fresh water of this state suited and adapted to the preservation, protection, and propagation of game and fish, and this section is to aid in the preservation, protection, and propagation of game and fish. (Acts 62nd Legis., Reg. Sess., Ch. 97, Sec. 1, 2, 3.)

**Sec. 136.013. Enforcement; Penalties.**

(a) Section 136.012 of this code does not apply to a person hunting migratory waterfowl with a shotgun during a prescribed open season in and on the Trinity River and the Wallisville Reservoir.

(b) Sections 136.011 and 136.012 of this code do not apply to peace officers, or representatives of the department in the lawful discharge of their duties.

(c) It is the duty of the department to enforce the provisions of this subchapter, and enforcement officers may arrest without a warrant a person violating a provision in his presence.

(d) A person who violates Section 136.011 or Section 136.012 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 97, Sec. 4, 5, 6; Acts 62nd Legis., Reg.Sess., Ch. 999, Sec. 3, 4, 5.)

[Sections 136.014–136.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS**

**Sec. 136.021. Squirrel**

(a) No person may hunt squirrel in Chambers County except during the open seasons beginning on May 1 and extending through July 31 and beginning on October 15 and extending through January 15.

(b) No person in Chambers County may take or kill more than 10 squirrels during a day or possess more than 20 squirrels at a time.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each squirrel killed, taken, or possessed in violation of this section constitutes a separate offense. (Acts 61st Legis., Reg.Sess., Ch. 587.)

[Sections 136.022–136.030 reserved for expansion]

**SUBCHAPTER D. BIRDS**

**Sec. 136.031. Turkey**

(a) No person may hunt wild turkey in Chambers County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1, 4.)

**Sec. 136.032. Quail**

(a) No person may hunt quail in Chambers County except during the open season beginning on the second Saturday in November and extending through January 31.

(b) No person in Chambers County may kill or take more than 12 quail of all varieties during a day or possess more than 24 quail of all varieties at a time.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken, killed, or possessed in violation of this section constitutes a separate offense. (Acts 61st Legis., Reg.Sess., Ch. 586.)

[Sections 136.033–136.040 reserved for expansion]

**SUBCHAPTER E. FISH**

**Sec. 136.041. Catfish Size Limits**

(a) No person may retain or place in a container or boat or on a stringer a catfish caught from the public water of Chambers County which is less than 11 inches long.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish retained in violation of this section constitutes a separate offense. (Acts 61st Legis., Reg. Sess., Ch. 585.)

**Sec. 136.042. Net Size for Rough Fish and Catfish**

(a) In Chambers County, except in the water of Trinity Bay, Lake Ana-huac, and Turtle Bay Bayou, a hoop net, gill net, and trammel net may be used for the catching of rough fish and catfish only.

(b) No person may use in the water described in Subsection (a) of this section for the purpose of taking rough fish or catfish a hoop net, gill net, or trammel net having meshes smaller than three inches.

(c) No person may take bass or crappie with a net authorized by this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 56th Legis., 2nd C.S., Ch. 18.)

**Sec. 136.043. Seining Near Cities Prohibited**

(a) No person may attempt to take any fish, shrimp, green turtle, loggerhead, or terrapin by the use of a seine, drag, fyke, setnet, trammel net, trap, dam, or weir from a bay or other navigable water in Chambers County within one mile of the limits of a city.

(b) In this section, "city" means any community having 100 or more families within an area of one square mile.

(c) A city shall set out and maintain buoys, stakes, or other markers showing the limits within which Subsection (a) of this section applies.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. In a prosecution under this section, identification of the boat from which a violation occurred, if any, is prima facie evidence against the owner, lessee, person in charge, or master of the boat. (P.C. Art. 947.)

**Sec. 136.044. Galveston and Trinity Bays: Nets**

(a) No person may possess, use, or place in or on that portion of Galveston Bay or Trinity Bay in Chambers County lying north of a line from Eagle Point to Smith Point a setnet, gill net, trap, or other device for the catching of fish.

(b) A person may possess and use in the water described in Subsection (a) of this section a trammel net not exceeding 1,200 feet in length and having mesh of not less than three and one-half inches when stretched.

(c) This section does not prohibit the possession of a device the use of which is prohibited in the water described in Subsection (a) of this section when the device is on board a vessel in port or in a channel while under way to a place where the use of the device is not prohibited.

(d) When an officer of this state finds a seine, net, trawl, trap, or other device in use or possessed in violation of this section, the officer shall arrest the violator and hold the device as evidence. No suit may be maintained against an officer acting under the authority of this section. The officer shall take the alleged violator before the appropriate county court and shall file a complaint against the person. On the trial of the person, if it be found that the device was being used or possessed in violation of this section, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(e) When an officer of this state finds a seine, net, trawl, trap, or other device the use or possession of which is prohibited by this section in or on the water described in Subsection (a) of this section and no person is found in possession of the seine, net, trawl, trap, or other device, the officer shall seize and hold the device and shall make a report by affidavit to the appropriate county court. The court shall direct that the sheriff or constable post a copy of the report in the courthouse for a period of 10 days, after which the sheriff or constable shall make his return to the court showing when and where the notice was posted. Then the court shall hold a hearing to determine if the device was used in violation of this section, and if it be found that the device was used in violation of this section, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(f) A person who violates this section is guilty of a misdemeanor and on a first conviction shall be punished by a fine of not less than \$50 nor more than \$250. On a second or subsequent conviction he may be punished by a fine of not less than \$50 nor more than \$250, and his commercial fishing license is subject to forfeiture. (Acts 55th Legis., Reg.Sess., Ch. 480, Sec. 1 (part), 3, 4, and 5.)

#### Sec. 136.045. East Galveston Bay: Nets

(a) Except as provided in Subsection (b) of this section, it is lawful to use strike nets, gill nets, trammel nets, and shrimp trawls for the purpose of taking fish in the water of East Galveston Bay in Chambers County during the period beginning on August 15 and extending through May 15 of the following year.

(b) No person may use a strike net, gill net, trammel net, or shrimp trawl for the purpose of taking fish in any of the following water of Chambers County at any time:

(1) water lying northwest of a line from Kemah in Galveston County to Mesquite Knoll in Chambers County; and

(2) water of Galveston Bay lying east of a line from the extreme western point of Smith's Point in Chambers County to the west bank of Siever's Cut where East Bay intersects with the north bank of the Intracoastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which cut is between Elm Grove Point and Baffle Point, both points being on the north shore of Bolivar Peninsula.

(c) No person operating under the authority of Subsection (a) of this section may use a strike net, gill net, trammel net, or shrimp trawl for catching fish if the meshes are less than one and one-half inches from knot to knot.

(d) When an officer of this state finds a strike net, gill net, trammel net, or shrimp trawl in use or possessed in violation of this section, the

officer shall arrest the violator and hold the device as evidence. No suit may be maintained against an officer acting under the authority of this section. The officer shall take the alleged violator before the appropriate county court or justice court and shall file a complaint against the person. On the trial of the person, if it be found that the net or trawl was being used or possessed in violation of this section, the court shall order the destruction of the net or trawl by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the net or trawl was destroyed.

(c) When an officer of this state finds a strike net, gill net, trammel net, or shrimp trawl the use or possession of which is prohibited by this section in or on the water described in Subsection (a) of this section and no person is found in possession of the net or trawl, the officer shall seize and hold the net or trawl and shall make a report by affidavit to the appropriate county court or justice court. The court shall direct that the sheriff or constable post a copy of the report in the courthouse. Thirty days after the notice is posted, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200, and his commercial fishing license is subject to revocation for one year. (V.A.P.C. Art. 952L-10, Sec. 1 (part), 3, 4.)

**Sec. 136.046. Other Water: Fishing Methods**

(a) No person may place or use a seine, net, or other device for catching fish in any of the bays, streams, bayous, or canals of Chambers County not covered by Sections 136.042, 136.043, and 136.044 of this code except:

- (1) an ordinary pole and line;
- (2) a casting rod and reel;
- (3) artificial bait;
- (4) a trotline;
- (5) a setline;
- (6) a flounder gig and light; and
- (7) a cast net or minnow seine not more than 20 feet long and used only for catching bait.

(b) Enforcement officers of the department may seize and hold devices used in violation of this section until the trial of the accused.

(c) The identification of a boat, vehicle, seine, or net from or by which a violation of this section occurs is prima facie evidence against the owner of the boat, vehicle, net, or seine, or against the party last in charge of the boat.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. On a second or subsequent conviction, the person is punishable by a fine of not less than \$100 nor more than \$200 and his commercial fishing license is subject to forfeiture for a period of one year. (P.C. Art. 941, Sec. 1 (part), 1f; Art. 944.)

**Sec. 136.047. Commission May Close Certain Water**

(a) The commission may close tidal water in Chambers County for the use of nets, seines, spears, gigs, lights, and other devices for catching

fish except a hook and line or cast net or minnow seine not more than 20 feet in length when the commission finds that the closing is best for the protection and increase of fish life or to prevent its destruction.

(b) The commission shall give notice of the closing at least two weeks before the effective date of the closing. The notice must contain:

- (1) the reason for the closing;
- (2) a designation of the area to be closed;
- (3) the effective date and duration of the closing;
- (4) a statement that after the effective date of the closing it will be unlawful to drag a seine, set a net, or use a gig and light to catch fish in the described area.

(c) After an investigation and hearing, and on a finding that the closing of an area no longer promotes the conservation of fish, the commission may open the area to seining, netting, gigging, and other fishing.

(d) The department may seize seines used in violation of this section and hold them as evidence in the trial of a defendant, and no suit may be maintained against the department or an authorized employee for the seizure.

(e) This section does not apply to any of the water to which Sections 136.043, 136.044, and 136.045 apply. (R.S. Art. 4045 (part).)

## **CHAPTER 137. CHILDRESS COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 137.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Childress County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 137.002-137.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 137.011. Definition**

As used in this subchapter, "minnow hatchery" means a pond or series of ponds located entirely on private, enclosed property and not connected with nor a part of a stream, used in whole or in part for the propagation of minnows. (Acts 55th Legis., 2nd C.S., Ch. 18, Sec. 4(b).)

#### **Sec. 137.012. Minnow Transport**

(a) Except as provided in Subsections (b) and (c) of this section, no person may transport minnows caught, taken, or seined from the water of Childress County to another county in this state.

(b) A person may transport not more than 150 minnows taken from the water of Childress County to another county for personal use.

(c) Minnows raised in a minnow hatchery in this state may be transported from Childress County to another county.

(d) The possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 55th Legis., 2nd C.S., Ch. 18, Sec. 1, 2, 3, 4(a), 5.)

**CHAPTER 138. CHEROKEE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 138.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Cherokee County. (New.)

**Sec. 138.002. Lake Palestine**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to all of the water area of Lake Palestine located in Cherokee County. The provisions of this chapter do not apply to the water area of Lake Palestine in Cherokee County, except as specifically noted. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

; [Sections 138.003–138.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 138.011. Deer**

(a) No person may take or kill or attempt to take or kill any wild deer north of U. S. Highway 84 in Cherokee County before November 16, 1975.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 60th Legis., Reg.Sess., Ch. 409.)

**Sec. 138.012. Hunting Deer With Dogs: Evidence**

Possession of a high-powered rifle or a shotgun with buckshot while in control of a dog, or while accompanying a person in control of a dog, in any area in Cherokee County where deer are known to range is prima facie evidence of a violation of Section 63.010 of this code, relating to hunting deer with dogs. (Acts 60th Legis., Reg.Sess., Ch. 410.)

**Sec. 138.013. Squirrel**

(a) No person may hunt, take, or kill any squirrel in Cherokee County except during the period beginning October 1 and extending through December 31 of each year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 51st Legis., Reg. Sess., Ch. 434.)

[Sections 138.014–138.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 138.021. Turkey**

(a) No person may hunt wild turkey in Cherokee County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$300. (Acts 60th Legis., Reg.Sess., Ch. 392, Sec. 1 (part), 2.)



**Sec. 138.022. Quail**

(a) No person may hunt, take, or kill any wild quail in Cherokee County except during the period beginning on December 1 of one year and extending through February 15 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken or killed in violation of this section constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 165, Sec. 1(a), 2.)

[Sections 138.023–138.030 reserved for expansion]

**SUBCHAPTER D. FISH****Sec. 138.031. Fish Sale**

(a) No person may sell, offer for sale, or possess for the purpose of sale any fish caught or taken from the public fresh water of Cherokee County, including that portion of Lake Palestine located within the county, or from the portion of the Angelina River that is the boundary line between Cherokee and Nacogdoches counties north of Texas Highway 21.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2 (part), 3.)

**Sec. 138.032. Nets and Seines**

(a) No person may place, use, or catch fish with any setnet or dragnet or seine in the public fresh water of Cherokee County, or in the water of the Neches River within the boundaries of Cherokee County, except during the months of June, July, August, September, October, November, December, and January.

(b) This section does not prohibit the use of minnow seines as provided by general law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 60th Legis., Reg.Sess., Ch. 164, Sec. 1, subsec. (a) (part), (b), (c).)

**Sec. 138.033. Prohibited Methods of Fishing**

(a) This section applies to the Angelina River and Mud Creek in Cherokee County.

(b) No person may catch or attempt to catch fish by placing any lime, poison, drug, dynamite, nitroglycerin, giant powder, or any other explosive or substance harmful to fish in the water of the river or creek.

(c) No person may catch or attempt to catch fish by the aid of what is commonly known as "telephoning," or by using any other electricity-producing apparatus designed for shocking fish. Possession of any such equipment in a boat or along the bank or shore of the river or creek is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on first conviction is punishable by a fine of not less than \$300 nor more than \$750. On second conviction of a violation of this section, a person is punishable by a fine of not less than \$500 nor more than \$1,000 and by confinement in the county jail for not less than 30 days nor more than six months. On a third or subsequent conviction of a violation of this section, a person is punishable by a fine of not less than \$1,000 nor more

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than \$2,000 and by confinement in the county jail for not less than six months nor more than one year. (V.A.P.C. Art. 952aa-5, Sec. 1 (part), 2, 3, 4.)

[Sections 138.034-138.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 138.041. Steel Traps**

(a) No person may take any fur-bearing animal in Cherokee County with a steel trap, snare, deadfall, or any mechanical device other than a gun or pistol, except between December 1 and the following February 15, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 51st Legis., Reg.Sess., Ch. 521.)

**CHAPTER 139. CLAY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 139.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Clay County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 139.002-139.010 reserved for expansion]

**SUBCHAPTER B. LAKE ARROWHEAD**

**Sec. 139.011. Fish Sale**

(a) No person may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, or catfish or any other fish except minnows taken from Lake Arrowhead in Clay County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or bought in violation of this section is a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in possession, or where the fish are sold, bartered, offered for sale or barter, or bought. (V.A.P.C. Art. 952a (part), Art. 952i.)

**Sec. 139.012. Injuring Fish**

(a) No person may injure or destroy fish by the use of dynamite, powder, other explosive, or poison in the water of Lake Arrowhead in Clay County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year. (V.A.P.C. Art. 952b.)

**Sec. 139.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the water of Lake Arrowhead in Clay County any bass, crappie, white perch, sunfish, drum, catfish, or other edible fish or minnows and leave the fish to die without any intention to eat the fish or use the minnows for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (V.A.P.C. Art. 952h.)

**CHAPTER 140. COCHRAN COUNTY**

**Sec. 140.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Cochran County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 141. COKE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 141.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Coke County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 141.002-141.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 141.011. Fish Sale**

No person may sell, buy, offer to sell or buy, take, or possess for commercial purposes fish taken from the water of Sweetwater Oak Creek Lake in Coke County. (Acts 53rd Legis., Reg.Sess., Ch. 101, Sec. 2.)

**Sec. 141.012. Minnow Transport**

(a) No person may transport minnows taken from the water of Sweetwater Oak Creek Lake in Coke County out of Coke County for the purpose of sale.

(b) No person may transport more than 200 minnows taken from the water of Sweetwater Oak Creek Lake out of Coke County for any purpose. (Acts 53rd Legis., Reg.Sess., Ch. 101, Sec. 4.)

**Sec. 141.013. Trespass**

This subchapter does not license, permit, or authorize any person to go on the land of another person to catch fish or minnows without the consent of the owner of the land or water. In any prosecution for a violation of this subchapter, the burden to prove consent of the owner of the land is on the alleged trespasser. (Acts 53rd Legis., Reg.Sess., Ch. 101, Sec. 7.)

**Sec. 141.014. Penalty**

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish taken or possessed in violation of this subchapter constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 101, Sec. 9.)

**CHAPTER 142. COLEMAN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 142.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Coleman County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 142.002-142.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 142.011. Fish Sale**

(a) No person may sell or offer for sale any bass or crappie (white perch) caught, trapped, or ensnared in the water of Coleman County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part), Acts 49th Legis., Reg.Sess., Ch. 370, Sec. 1.)

**Sec. 142.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Coleman County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 143. COLLIN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 143.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Collin County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 143.002-143.010 reserved for expansion]

## SUBCHAPTER B. MINNOWS

**Sec. 143.011. Minnows**

(a) No person may take minnows from the streams or rivers of Collin County for the purpose of sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$100. Each minnow taken in violation of this section constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 152, Sec. 1 (part), 2.)

[Sections 143.012–143.020 reserved for expansion]

## SUBCHAPTER C. LAKE LAVON

**Sec. 143.021. Fish Sale**

(a) No person may sell, barter, offer to sell or barter, take, or possess fish or minnows taken from the water of Lake Lavon in Collin County for commercial purposes.

(b) A person violating this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 186.)

**Sec. 143.022. Harmful Refuse**

(a) No person may throw, leave, or cause to be thrown or left any wastepaper, glass, metal, tin can, refuse, garbage, waste, discarded or soiled personal property, or any other noxious or poisonous substance in the water of or in close proximity to Lake Lavon in Collin County if the substance is detrimental to fish or persons fishing in Lake Lavon.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 55th Legis., Reg.Sess., Ch. 55.)

**Sec. 143.023. Discharge of Firearm**

(a) Except as provided in Subsections (b) and (c) of this section, no person may shoot, fire, or discharge any firearm in, on, along, or across Lake Lavon in Collin County.

(b) This section does not apply to peace officers, game wardens, or other representatives of the department in the lawful discharge of their duties.

(c) This section does not apply to a person hunting with a shotgun during an open season or when it is lawful to hunt in or on Lake Lavon.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 plus costs, or confinement in the county jail for not more than one year, or both. (Acts 56th Legis., Reg.Sess., Ch. 498, Sec. 4, 5.)

**CHAPTER 144. COLLINGSWORTH COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 144.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Collingsworth County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 144.002-144.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

**Sec. 144.011. Quail**

(a) No person may hunt quail in Collingsworth County except during the open season, which is December 1 through January 31, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each bird taken in violation of this section constitutes a separate offense. (V.A.P.C. Art. 978j-1, Sec. 2 (part), Sec. 13(o), Sec. 14 (part).)

**CHAPTER 145. COLORADO COUNTY**

**Sec. 145.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Colorado County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 146. COMAL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 146.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Comal County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 146.002-146.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 146.011. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Comal County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 147. COMANCHE COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT****Sec. 147.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Comanche County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 147.002-147.010 reserved for expansion]

**SUBCHAPTER B. FISH****Sec. 147.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, channel catfish, or catfish caught, trapped, or ensnared in the water of Comanche County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (Acts 61st Legis., Reg.Sess., Ch. 743, Sec. 1, 2.)

**Sec. 147.012. Minnow Transport**

(a) As used in this section, "minnow hatchery" means a pond or series of ponds located entirely on private, enclosed property and not connected with nor a part of a stream, and used in whole or in part for the propagation of minnows.

(b) Except as provided in Subsection (c) or (d) of this section, no person may transport minnows caught, seined, or taken in Comanche County to another county of this state.

(c) A person may transport not more than 200 minnows from Comanche County to another county for personal use.

(d) Minnows raised in a fish hatchery may be transported from Comanche County to another county.

(e) Possession of more than 400 minnows at one time by a person who is not a legal resident of Comanche County is prima facie evidence of a violation of this section.

(f) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 362.)

**CHAPTER 148. CONCHO COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT****Sec. 148.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Concho County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 148.002-148.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 148.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Concho County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 148.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Concho County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use the fish for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**Sec. 148.013. Minnow Transport**

(a) No person may transport minnows taken from the water of Concho County out of the county for the purpose of sale.

(b) No person may transport more than 200 minnows taken from the water of Concho County to another county for any purpose.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (Acts 47th Legis., Reg.Sess., Ch. 271, Sec. 1, 2, 4.)

**CHAPTER 149. COOKE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 149.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Cooke County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 149.002- 149.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 149.011. Fish Sale**

(a) No person may take or possess for the purpose of sale any fish from the fresh water in Cooke County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine not to exceed \$100. Each act of taking, and each fish taken or possessed, in violation of this section constitutes a separate offense. (Acts 43rd Legis., Reg.Sess., S.L., Ch. 89, Sec. 2, 3.)



**Sec. 149.012. Lake Texoma: Fish Sale**

A person may buy or sell any sucker, buffalo, carp, shad, or gar taken from Lake Texoma in Cooke County. (51st Legis., Reg.Sess., Ch. 489, Sec. 3.)

**Sec. 149.013. Minnow Sale**

(a) No person may sell outside Cooke County, or take for the purpose of selling outside Cooke County, any minnows from the public water of Cooke County.

(b) The taking from Cooke County of more than 200 minnows at any one time by any person, or the taking from Cooke County of any minnows by a commercial minnow dealer or his agent, is a prima facie violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (49th Legis., Reg.Sess., Ch. 135.)

**CHAPTER 150. CORYELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 150.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Coryell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 150.002-150.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 150.011. Minnows**

(a) Except as provided in Subsection (c) of this section, no person may take minnows from the water of Coryell County for the purpose of sale.

(b) Except as provided in Subsection (c) of this section, no person may take more than 125 minnows from the water of Coryell County and transport them to another county.

(c) A person may raise and propagate minnows on his premises or premises under his control for personal use, commercial purposes, and sale inside or outside Coryell County.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$250. (Acts 45th Legis., Reg.Sess., Ch. 403, Sec. 3 (part), 4; Acts 54th Legis., Reg.Sess., Ch. 474, Sec. 1 (part).)

**CHAPTER 151. COTTLE COUNTY**

**Sec. 151.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Cottle County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 152. CRANE COUNTY**

**Sec. 152.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Crane County. (New.)

**CHAPTER 153. CROSBY COUNTY**

**Sec. 153.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Crosby County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 154. CROCKETT COUNTY**

**Sec. 154.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Crockett County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 155. CULBERSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 155.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Culberson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 155.002–155.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 155.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in Culberson County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**CHAPTER 156. DALLAM COUNTY**

**Sec. 156.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Dallam County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 157. DALLAS COUNTY**

**Sec. 157.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Dallas County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 158. DAWSON COUNTY****Sec. 158.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Dawson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 159. DEAF SMITH COUNTY****Sec. 159.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Deaf Smith County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 160. DELTA COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 160.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Delta County. (New.)

[Sections 160.002-160.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS****Sec. 160.011. Deer**

(a) No person may hunt deer in Delta County except during the open season beginning on November 22 and extending through December 1.

(b) During the open season, no person may take, kill, or have in his possession a deer other than a buck with pronged horn. No person may take or kill more than one buck deer in one season. (Acts 56th Legis., Reg.Sess., Ch. 267, Sec. 1 (part), Acts 54th Legis., Reg.Sess., Ch. 91, Sec. 2.)

**Sec. 160.012. Squirrels**

(a) No person may hunt squirrel in Delta County except during the open seasons beginning on May 1 and extending through July 31, and beginning on October 1 and extending through December 31. During the open seasons no person may kill, take, or have in his possession more than eight squirrels a day.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each squirrel killed, taken, or possessed in violation of this section constitutes a separate offense. (Acts 50th Legis., Reg.Sess., Ch. 100, Sec. 1 (part), 3.)

[Sections 160.013 160.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 160.021. Turkey**

(a) No person may hunt wild turkey in Delta County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 or confinement in the county jail for not less than 1 day nor more than 30 days, or both. Each turkey killed or possessed in violation of this section constitutes a separate offense and shall be seized and disposed of as provided in Section 12.110 of this code. (Acts 54th Legis., Reg.Sess., Ch. 91, Sec. 1 (part), 3 (part).)

**Sec. 160.022. Quail**

(a) No person may hunt wild quail in Delta County except during the open season beginning on December 1 and extending through January 16. During the open season, no person may hunt wild quail in Delta County on Sunday.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 373, Sec. 1, 3 (part), 4.)

[Sections 160.023–160.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 160.031. Nets and Seines**

No person may take or catch catfish, perch, buffalo fish, or drum in Delta County by hand or with a seine or net having meshes one inch square, except during the open season. (Acts 42nd Legis., Reg.Sess., S. L., Ch. 69, Sec. 1 (part).)

[Sections 160.032–160.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 160.041. Hunting Mink With Dogs**

A person may hunt, take, or kill or attempt to hunt, take, or kill wild mink in Delta County with dogs. A person may have in his possession a mink pelt while hunting with dogs. (V.A.P.C. Art. 923m, Sec. 4 (part).)

**CHAPTER 161. DENTON COUNTY**

**Sec. 161.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Denton County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 162. DEWITT COUNTY**

**Sec. 162.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in DeWitt County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 163. DICKENS COUNTY**

**Sec. 163.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Dickens County. (New.)

**CHAPTER 164. DIMMIT COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 164.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Dimmit County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 164.002-164.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 164.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Dimmit County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 164.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Dimmit County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die, unless the person intends to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. The allowing of each fish to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 164.013. Minnow Sale and Transport**

(a) No person may sell or take for the purpose of sale any minnows in Dimmit County. No commercial minnow dealer, nor any of his employees, may take any minnows out of Dimmit County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 46th Legis., Reg.Sess., p. 810, S.L., Ch. 59, Sec. 2 (part), Sec. 4.)

**CHAPTER 165. DONLEY COUNTY**

**Sec. 165.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Donley County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 166. DUVAL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 166.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Duval County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 166.002–166.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 166.011. Regulatory Act: Exclusion**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to deer without antlers in Duval County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(5).)

**CHAPTER 167. EASTLAND COUNTY**

**Sec. 167.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Eastland County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 168. ECTOR COUNTY**

**Sec. 168.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Ector County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 169. EDWARDS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 169.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Edwards County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 169.002–169.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 169.011. Fish Sale**

(a) No person may take, offer, or possess, for the purpose of sale, any bass, crappie, perch, or bream in Edwards County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56, Sec. 1 (part), 2.)

**Sec. 169.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Edwards County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 170. ELLIS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 170.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Ellis County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 170.002-170.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 170.011. Minnow Transport**

(a) As used in this section "minnow hatchery" means a pond or series of ponds located entirely on private, enclosed property and not connected with or a part of a stream, and used either in whole or in part for the propagation of minnows.

(b) Except as provided in Subsections (c) and (d) of this section, no person may transport minnows caught in Ellis County to another county in this state.

(c) A person may transport not more than 150 minnows for personal use from Ellis County to another county.

(d) Minnows raised in a minnow hatchery may be transported from Ellis County to another county.

(e) The possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

**CHAPTER 171. EL PASO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 171.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in El Paso County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 171.002-171.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 171.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in El Paso County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**Sec. 171.012. Method of Taking Fish**

(a) No person may use a method or device to catch fish other than a hook and line, pole and line, or trotline or setline in El Paso County.

(b) No person may use a minnows seine longer than 10 feet or a seine with meshes larger than three-eighths of an inch square to catch bait in El Paso County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each fish taken in violation of this chapter constitutes a separate offense. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 237, Sec. 1 (part).)

**Sec. 171.013. Fish Limit**

(a) Except as provided in Subsection (b) of this section, no person may catch or possess more than 10 fish in one day or more than 30 fish in one week in El Paso County.

(b) No person may catch or possess more than 20 perch in one day or more than 60 perch in one week in El Paso County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 42nd Legis. Reg.Sess., S.L., Ch. 237, Sec. 1a (part), 1b.)

**Sec. 171.014. Importation and Sale of Black Bass**

(a) Black bass imported from another country may be sold in El Paso County if:

(1) the fish were caught in inland water of a foreign country which is not international water of the United States and the foreign country;

(2) the country from which the fish were imported permits the taking of the fish for sale; and

(3) an importation tag is attached to the gill, dorsal fin, or tail of each black bass sold.

(b) A person who sells or attempts to sell a black bass in El Paso County which does not have properly attached an importation tag is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 978e-1, Sec. a, b (part), c.)

**Sec. 171.015. Importation Tags**

(a) A licensed customhouse broker who wishes to handle the importation of black bass for sale in El Paso County shall notify the commission. The commission shall assign the broker a permanent record number and provide the number of metal importation tags requested by the broker.

(b) The cost of the importation tags shall be paid by the broker, and each tag shall contain the permanent record number of the broker and a separate number to identify the tag. (V.A.P.C. Art. 978e-1, Sec. (b) (part).)



**CHAPTER 172. ERATH COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 172.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Erath County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 172.002-172.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 172.011. Fish Sale**

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish taken from the Bosque River or its tributaries in Erath County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bartered, bought, or sold or offered for barter or sale constitutes a separate offense. A person who violates this section may be prosecuted in the county where the offense is committed, where he is found with the fish in his possession, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in Erath County to give a special charge on this law to the grand juries of Erath County. (Acts 42nd Legis., Reg.Sess., S.L., Ch. 68, Sec. 1 (part), 7 (part), 8.)

**Sec. 172.012. Minnow Sale**

In Erath County a person may raise and propagate minnows on his own premises or on premises under his control for personal use or for commercial purposes, and for sale inside or outside the county, at any time. (54th Legis., Reg.Sess., Ch. 474, Sec. 1 (part).)

**CHAPTER 173. FALLS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 173.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Falls County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 173.002-173.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

**Sec. 173.011. Instruments to Call or Attract Animals**

(a) No person may use any device or instrument used to call or attract animals to aid in the hunting of any wild animal on state-owned land in Falls County.

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(b) The Commissioners Court of Falls County may extend the prohibition expressed in Subsection (a) to any privately owned land in Falls County, any designated portion or section of the county, or to all of the county. The commissioners court shall notify the Texas Parks and Wildlife Commission of its desire to broaden the coverage of Subsection (a) of this section. After receiving a return from the commission, the commissioners court shall specify what land or portion of the county is added to the coverage of Subsection (a) of this section on forms prescribed by the Texas Parks and Wildlife Commission. The court shall return the forms to the commission, properly attested to as the official act of the Commissioners Court of Falls County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 55th Legis., Reg.Sess., Ch. 70, Sec. 1 (part), 2 (part); Sec. 2.)

[Sections 173.012–173.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 173.021. Fish Sale**

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, catfish, or any other fish taken from the water of the Brazos River in Falls County or from the water within one mile from the mouth of any tributary of the Brazos River in Falls County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. (Acts 45th Legis., Reg.Sess., Ch. 496.)

**Sec. 173.022. Minnow Transport**

(a) No person may transport at any one time beyond the borders of Falls County more than 125 minnows taken from any stream, pond, lake, or lagoon in Falls County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 44th Legis., Reg.Sess., S.L., Ch. 36.)

**CHAPTER 174. FANNIN COUNTY**

**Sec. 174.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Fannin County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 175. FAYETTE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 175.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Fayette County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 175.002–175.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 175.011. Minnow Transport and Sale**

(a) No person may transport any minnows taken from the water of Fayette County out of the county for the purpose of sale, nor transport more than 200 minnows out of the county for any purpose.

(b) Possession of more than 200 minnows is prima facie evidence of a violation of this section.

(c) This section does not apply to the transportation of minnows by the state and federal fish hatcheries in Fayette County.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (Acts 52nd Legis., Reg.Sess., Ch. 293, Sec. 2, 3.)

**CHAPTER 176. FISHER COUNTY**

**Sec. 176.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Fisher County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 177. FLOYD COUNTY**

**Sec. 177.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Floyd County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 178. FOARD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 178.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Foard County. (New.)

[Sections 178.002-178.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 178.011. Deer**

(a) No person may hunt deer in Foard County except during the open season between November 30 and December 15, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 215, Sec. 2 (part), 3(b), 5 (part).)

[Sections 178.012-178.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 178.021. Turkey**

(a) No person may hunt wild turkey in Foard County except during the open season between November 30 and December 15, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 215, Sec. 2 (part), 3(c), 5 (part).)

**Sec. 178.022. Quail**

(a) No person may hunt quail in Foard County except during the open season between December 1 and January 31, both dates inclusive. No person may kill more than 12 quail in any one day in Foard County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 215, Sec. 2 (part), 3(a), 4, 5.)

[Sections 178.023–178.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 178.031. Minnow Transport**

(a) No person may transport into another county any minnows caught, seined, or taken from the water of Foard County, except that a person may transport into another county no more than 150 minnows for personal use or any minnows raised in a minnow hatchery in this state.

(b) For the purpose of this section, a “minnow hatchery” is a pond or series of ponds situated wholly on private, enclosed property and not connected with nor a part of any stream, and used either in whole or in part for the propagation of minnows.

(c) Possession of more than 500 minnows by any person at one time is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 51st Legis., Reg.Sess., Ch. 179, Sec. 1, 2 (part), 3, 4 (part), 5.)

**CHAPTER 179. FORT BEND COUNTY**

**Sec. 179.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Fort Bend County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 180. FRANKLIN COUNTY**

**Sec. 180.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Franklin County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 181. FREESTONE COUNTY****Sec. 181.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Freestone County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 182. FRIO COUNTY****Sec. 182.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Frio County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 183. GAINES COUNTY****Sec. 183.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Gaines County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 184. GALVESTON COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT****Sec. 184.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act does not apply to wildlife resources in Galveston County. (New.)

[Sections 184.002-184.010 reserved for expansion]

**SUBCHAPTER B. BIRDS****Sec. 184.011. Turkey**

(a) No person may hunt wild turkey in Galveston County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1, 4.)

[Sections 184.012-184.020 reserved for expansion]

**SUBCHAPTER C. FISH****Sec. 184.021. Galveston Bay: Seines**

(a) Except as provided in Subsection (b) of this section, it is lawful to use strike nets, gill nets, trammel nets, and shrimp trawls for the purpose of taking fish in the water of East Galveston Bay in Galveston County during the period beginning on August 15 of one year and extending through May 15 of the following year.

(b) No person may use a strike net, gill net, trammel net, or shrimp trawl for the purpose of taking fish in any of the following water of Galveston County at any time:

- (1) Swan Lake;
- (2) Moses Lake;
- (3) Clear Lake;
- (4) Dickinson Bayou or Bay west of a line from Miller's Point to April Fool Point;
- (5) water lying northwest of a line from Kemah in Galveston County to Mesquite Knoll in Chambers County; and
- (6) water of Galveston Bay lying east of a line from the extreme western point of Smith's Point in Chambers County to the west bank of Siever's Cut where East Bay intersects with the north bank of the Intracoastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which cut is between Elm Grove Point and Baffle Point, both points being on the north shore of Bolivar Peninsula.

(c) No person operating under the authority of Subsection (a) of this section may use a strike net, gill net, trammel net, or shrimp trawl for catching fish if the meshes are less than one and one-half inches from knot to knot.

(d) When an officer of this state finds a strike net, gill net, trammel net, or shrimp trawl in use or possessed in violation of this section, the officer shall arrest the violator and hold the device as evidence. No suit may be maintained against an officer acting under the authority of this section. The officer shall take the alleged violator before the appropriate county court or justice court and shall file a complaint against the person. On the trial of the person, if it be found that the net or trawl was being used or possessed in violation of this section, the court shall order the destruction of the net or trawl by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the net or trawl was destroyed.

(e) When an officer of this state finds a strike net, gill net, trammel net, or shrimp trawl the use or possession of which is prohibited by this section in or on the water described in Subsection (a) of this section and no person is found in possession of the net or trawl, the officer shall seize and hold the net or trawl, and shall make a report by affidavit to the appropriate county court or justice court. The court shall direct that the sheriff or constable post a copy of the report in the courthouse. Thirty days after the notice is posted, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200, and his commercial fishing license is subject to revocation for one year. (V.A.P.C. Art. 952L-10, Sec. 1 (part), 3, 4.)

#### Sec. 184.022. Other Water: Net and Seines

(a) No person may place or use a seine, net, or other device for catching fish, except an ordinary pole and line, casting rod and reel, artificial bait, trotline, setline, flounder gig and light, or cast net or minnow seine of not more than 20 feet long for catching bait only, in any of the bays, streams, bayous, or canals of Galveston County not covered by Section 184.021 of this code, or in San Luis Pass in Galveston County.

(b) Enforcement officers of the department may seize and hold nets and seines or other devices used in violation of this section until the trial of the accused.

(c) The identification of a boat, vehicle, seine, or net from or by which a violation of this section occurred is prima facie evidence against the owner of the boat, vehicle, net, or seine or against the person last in charge of the boat.

(d) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$100. On a second or subsequent conviction, the person is punishable by a fine of not less than \$100 nor more than \$200, and his commercial fishing license is subject to forfeiture for a period of one year. (P. C. Art. 941, Sec. 1 (part), 1f; Art. 944.)

#### **Sec. 184.023. Seining Near Cities Prohibited**

(a) No person may attempt to take any fish, shrimp, green turtle, loggerhead, or terrapin by the use of a seine, drag, fyke, setnet, trammel net, trap, dam, or weir from a bay or other navigable water in Galveston County within one mile of the limits of a city.

(b) In this section, "city" means any community having 100 or more families within an area of one square mile.

(c) A city shall set out and maintain buoys, stakes, or other markers showing the limits within which Subsection (a) of this section applies.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. In a prosecution under this section, identification of the boat from which a violation occurred, if any, is prima facie evidence against the owner, lessee, person in charge, or master of the boat. (P.C. Art. 947.)

#### **Sec. 184.024. Commission May Close Certain Water**

(a) The commission may close tidal water in Galveston County for the use of nets, seines, spears, gigs, lights, and other devices for catching fish except a hook and line or cast net or minnow seine not more than 20 feet in length when the commission finds that the closing is best for the protection and increase of fish life or to prevent their destruction.

(b) The commission shall give notice of the closing at least two weeks before the effective date of the closing. The notice must contain:

- (1) the reason for the closing;
- (2) a designation of the area to be closed;
- (3) the effective date and duration of the closing;
- (4) a statement that after the effective date of the closing it will be unlawful to drag a seine, set a net, or use a gig and light to catch fish in the described area.

(c) After an investigation and hearing, and on a finding that the closing of an area no longer promotes the conservation of fish, the commission may open the area to seining, netting, gigging, and other fishing.

(d) The department may seize seines used in violation of this section and hold them as evidence in the trial of a defendant, and no suit may be maintained against the department or an authorized employee for the seizure.

(e) This section does not apply to any of the water to which Sections 184.021, 184.022, and 184.023 apply. (R.S. Art. 4045 (part).)

## CHAPTER 185. GARZA COUNTY

### Sec. 185.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Garza County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## CHAPTER 186. GILLESPIE COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 186.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Gillespie County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 186.002–186.010 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

#### Sec. 186.011. Definitions

As used in this subchapter:

- (1) "Buck deer" means a deer that has a hardened antler protruding through the skin.
- (2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

#### Sec. 186.012. Open Archery Season

(a) The open archery season in Gillespie County is 30 calendar days immediately preceding the open season for hunting deer in Gillespie County as provided by this code or by proclamation of the department.

(b) During the open archery season a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

#### Sec. 186.013. Prohibited Archery Equipment

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of:

- (1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;
- (2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;
- (3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or
- (4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)



**Sec. 186.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Gillespie County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 186.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season in Gillespie County.

(b) No person may possess an antlerless deer in Gillespie County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Gillespie County which does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In Gillespie County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 186.016. Penalty**

A person who violates Section 186.012 through Section 186.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 186.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Gillespie County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 186.018–186.020 reserved for expansion]

**SUBCHAPTER C. FISH****Sec. 186.021. Fish Sale**

(a) No person may catch or possess for the purpose of sale any catfish, perch, crappie, bream, or bass in Gillespie County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L. Ch. 56, Sec. 1 (part), 2.)

**Sec. 186.022. Minnow Transport**

(a) No person may transport minnows caught, taken, or seined from the water of Gillespie County to another county in this state.

(b) The possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 5.)

**Sec. 186.023. Leaving Fish to Die**

(a) No person may knowingly place, throw, deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Gillespie County any catfish, perch, crappie, white perch, bass, trout, or other edible fish, and leave the fish to die without any intention of eating the fish or using them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. (P.C. Art. 955 (part).)

**CHAPTER 187. GLASSCOCK COUNTY**

**Sec. 187.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Glasscock County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 188. GOLIAD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 188.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Goliad County except for deer, quail, turkey, and alligators. (V.A.P.C. Art. 978j-1, Sec. 1 (part), Sec. 3(c)(7).)

[Sections 188.002-188.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 188.011. Squirrel**

Squirrel may be killed at any time in Goliad County. (V.A.P.C. Art. 923ll-1 (part).)

**CHAPTER 189. GONZALES COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 189.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Gonzales County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 189.002-189.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 189.011. Fishing Methods**

(a) No person may catch any fish from the public water of Gonzales County by any means other than an ordinary hook and line or artificial bait or trotline not more than 300 feet in length, but a net or seine not more than 20 feet in length may be used to take minnows or perch for bait only.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 566, Sec. 2, 3 (part).)

**Sec. 189.012. Fish Sale**

(a) No person may sell, offer for sale, or possess for the purpose of sale any fish, except minnows and perch used for bait, taken from the public water of Gonzales County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 566, Sec. 1, 3 (part).)

**Sec. 189.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the water of Gonzales County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (Acts 62nd Legis., Reg.Sess., Ch. 566, Sec. 4.)

**CHAPTER 190. GRAY COUNTY**

**Sec. 190.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Gray County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 191. GRAYSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 191.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Grayson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 191.002-191.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 191.011. Minnows**

(a) No person may sell outside of Grayson and Cooke counties any minnows caught in Grayson County.

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(b) No person may transport from Grayson County to any county other than Cooke County for the purpose of sale any minnows caught in Grayson County.

(c) The transportation from Grayson County to any county other than Cooke County of more than 200 minnows by a person or of any minnows by a commercial minnow dealer or an agent of a dealer constitutes prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 49th Legis., Reg.Sess., Ch. 135.)

**Sec. 191.012. Fish Sale**

(a) Except as provided in Subsection (b) of this section, no person may catch fish from the fresh water of Grayson County for the purpose of sale or possess for the purpose of sale fish caught from the fresh water of Grayson County.

(b) A person may sell or buy sucker, buffalo fish, carp, shad, and gar caught from the fresh water of Grayson County, including Lake Texoma in Grayson County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10. Each fish caught or possessed for the purpose of sale constitutes a separate offense. (Acts 44th Legis., Reg.Sess., S.L., Ch. 16, Sec. 1 (part), 2, 3 (part); Acts 53rd Legis., 1st C.S., Ch. 37, Sec. 2.)

**CHAPTER 192. GREGG COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 192.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Gregg County. (New.)

[Sections 192.002–192.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 192.011. Deer**

(a) No person may take or kill any deer in Gregg County, except that a person may take or kill buck deer with pronged horns during the open season between November 15 and November 30, both dates inclusive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500 or by confinement in the county jail for not less than ten days nor more than six months, or both. (Acts 52nd Legis., Reg.Sess., Ch. 493, Sec. 1 (part), 2 (part), 3.)

[Sections 192.012–192.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 192.021. Turkeys**

(a) No person may hunt any wild turkeys in Gregg County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4 (part).)

[Sections 192.022–192.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 192.031. Hunting Mink With Dogs**

(a) No person may hunt wild mink in Gregg County with dogs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each mink found in possession in violation of this section constitutes a separate offense. (Acts 55th Legis., Reg.Sess., Ch. 330, Sec. 2 (part), 4.)

**CHAPTER 193. GRIMES COUNTY**

**Sec. 193.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Grimes County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 194. GUADALUPE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 194.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Guadalupe County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 194.002–194.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 194.011. Fish Sale**

(a) No person may barter, buy, or sell, or offer to barter or sell, any bass, crappie, perch, catfish, or any other fish taken from the fresh water of Guadalupe County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 44th Legis., Reg.Sess., S.L., Ch. 42, Sec. 1, 5.)

**Sec. 194.012. Explosives**

(a) No person may destroy fish by using any dynamite, powder, or any other explosive in any freshwater stream in Guadalupe County.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for no more than one year, or both. (P.C. Art. 952, Sec. 2 (part).)

**CHAPTER 195. HALE COUNTY**

**Sec. 195.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hale County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 196. HALL COUNTY**

**Sec. 196.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hall County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 197. HAMILTON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 197.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hamilton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 197.002-197.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 197.011. Fish Sale**

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish taken from the Bosque River or its tributaries in Hamilton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bartered, bought, or sold or offered for barter or sale constitutes a separate offense. A person who violates this section may be prosecuted in the county where the offense is committed, where he is found with the fish in his possession, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in Hamilton County to give a special charge on this law to the grand juries of Hamilton County. (Acts 42nd Legis., 2nd C.S., Ch. 28, Sec. 1 (part), 7 (part), 8.)

**Sec. 197.012. Minnow Sale**

(a) Except as provided by Subsection (b) of this section, no person may sell, offer for sale, or possess for the purpose of sale in Hamilton County any minnows taken from the water of the county.

(b) In Hamilton County a person may raise and propagate minnows on his own premises or on premises under his control for personal use or for commercial purposes and for sale inside or outside the county at any time.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 46th Legis., Reg.Sess., p. 815, S.L., Ch. 65, Sec. 1-A, 2; Acts 54th Legis., Reg.Sess., Ch. 474, Sec. 1 (part).)

## CHAPTER 198. HANSFORD COUNTY

### Sec. 198.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hansford County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## CHAPTER 199. HARDEMAN COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 199.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hardeman County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 199.002-199.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### Sec. 199.011. Minnow Transport

(a) No person may transport into another county any minnows caught, seined, or taken from the water of Hardeman County, except that a person may transport into another county no more than 150 minnows for personal use or any minnows raised in a minnow hatchery in this state.

(b) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with or a part of any stream, and used either in whole or in part for the propagation of minnows.

(c) Possession of more than 500 minnows by any person at one time is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 51st Legis., Reg.Sess., Ch. 179, Sec. 1, 2 (part), 3, 4 (part), 5.)

### SUBCHAPTER C. BIRDS

#### Sec. 199.021. Quail

The proclamations of the commission under the Uniform Wildlife Regulatory Act (Chapter 61 of this code) shall provide for an open season for the hunting of quail in Hardeman County beginning on December 1 of one year and extending through January 31 of the following year. (V.A. P.C. Art. 978j-1, Sec. 13(k).)

**CHAPTER 200. HARDIN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 200.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hardin County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 200.002–200.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING**

**Sec. 200.011. Hunting With Dogs**

A person may use dogs to hunt game birds and game animals in Hardin County, but only during the open season for the game bird or game animal. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 2.)

[Sections 200.012–200.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS**

**Sec. 200.021. Hunting Deer With Dogs**

(a) No person may allow or permit a dog under his control to hunt, chase, or molest any wild deer in Hardin County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(a) (part), 3(d).)

**Sec. 200.022. Possession of Deer**

(a) No person may possess the freshly killed carcass of a wild deer, or part of one, in Hardin County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(c), 3(d).)

[Sections 200.023–200.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 200.031. Attracting Foxes With Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract a wild fox in Hardin County, except that a person may use the devices for scientific research or in making wildlife movies after obtaining a permit to use them from the Parks and Wildlife Department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), Sec. 2.)



## CHAPTER 201. HARRIS COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 201.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Harris County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 201.002-201.010 reserved for expansion]

## SUBCHAPTER B. FISH

## Sec. 201.011. Regulatory Act: Saltwater Marine Life Excluded

In Harris County, saltwater species of marine life are not wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). V.A.P.C. Art. 978j-1, Sec. 3(c)(6) (part).)

## Sec. 201.012. Seining Near Cities Prohibited

(a) No person may attempt to take any fish, shrimp, green turtle, loggerhead, or terrapin by the use of a seine, drag, fyke, setnet, trammel net, trap, dam, or weir from a bay or other navigable water in Harris County within one mile of the limits of a city.

(b) In this section, "city" means any community having 100 or more families within an area of one square mile.

(c) A city shall set out and maintain buoys, stakes, or other markers showing the limits within which Subsection (a) of this section applies.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. In a prosecution under this section, identification of the boat from which a violation occurred, if any, is prima facie evidence against the owner, lessee, person in charge, or master of the boat. (P.C. Art. 947.)

## Sec. 201.013. Galveston Bay: Nets and Seines

(a) No person may possess, use, or place in or on that portion of Galveston Bay lying in Harris County a setnet, gill net, trap, or other similar device for the catching of fish.

(b) A person may possess and use in the water described in Subsection (a) of this section a trammel net not exceeding 1,200 feet in length and having mesh of not less than three and one-half inches when stretched.

(c) This section does not prohibit the possession of a device the use of which is prohibited in the water described in Subsection (a) of this section when the device is on board a vessel in port or in a channel while under way to a place where the use of the device is not prohibited.

(d) When an officer of this state finds a seine, net, trawl, trap, or other device in use or possessed in violation of this section, the officer shall arrest the violator and hold the device as evidence. No suit may be maintained against an officer acting under the authority of this section. The officer shall take the alleged violator before the appropriate county court and shall file a complaint against the person. On the trial of the person, if it is found that the device was being used or possessed in vio-

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lation of this section, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(e) When an officer of this state finds a seine, net, trawl, trap, or other device the use or possession of which is prohibited by this section in or on the water described in Subsection (a) of this section and no person is found in possession of the seine, net, trawl, trap, or other device, the officer shall seize and hold the device and shall make a report by affidavit to the appropriate county court. The court shall direct that the sheriff or constable post a copy of the report in the courthouse for a period of 10 days, after which the sheriff or constable shall make his return to the court showing when and where the notice was posted. Then the court shall hold a hearing to determine if the device was used in violation of this section, and if it is found that the device was used in violation of this section, the court shall order the destruction of the device by the officer holding it. The officer shall report to the court by sworn statement showing how, when, and where the device was destroyed.

(f) A person who violates this section is guilty of a misdemeanor and on a first conviction shall be punished by a fine of not less than \$50 nor more than \$250. On a second or subsequent conviction, he may be punished by a fine of not less than \$50 nor more than \$250, and his commercial fishing license is subject to forfeiture. (Acts 55th Legis., Reg.Sess., Ch. 480, Sec. 1 (part), 3, 4, 5.)

**Sec. 201.014. Other Water: Nets and Seines**

(a) No person may place or use a seine, net, or other device for catching fish, except an ordinary pole and line, casting rod and reel, artificial bait, trotline, setline, flounder gig and light, or cast net or minnow seine of not more than 20 feet long for catching bait only, in any of the saltwater bays, streams, bayous, or canals of Harris County other than Galveston Bay.

(b) Enforcement officers of the department may seize and hold nets and seines or other devices used in violation of this section until the trial of the accused.

(c) The identification of a boat, vehicle, net, or seine from or by which a violation of this section occurred is prima facie evidence against the owner of the boat, vehicle, net, or seine or against the person last in charge of the boat.

(d) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$100. On a second or subsequent conviction, the person is punishable by a fine of not less than \$100 nor more than \$200 and his commercial fishing license is subject to forfeiture for a period of one year. (P. C. Art. 941, Sec. 1 (part), 1f.)

**Sec. 201.015. Commission May Close Certain Water**

(a) The commission may close tidal water in Harris County for the use of nets, seines, spears, gigs, lights, and other devices for catching fish except a hook and line or cast net or minnow seine not more than 20 feet in length when the commission finds that the closing is best for the protection and increase of fish life or to prevent their destruction.

(b) The commission shall give notice of the closing at least two weeks before the effective date of the closing. The notice must contain:

(1) the reason for the closing;

- (2) a designation of the area to be closed;
  - (3) the effective date and duration of the closing;
  - (4) a statement that after the effective date of the closing it will be unlawful to drag a seine, set a net, or use a gig and light to catch fish in the described area.
- (c) After an investigation and hearing, and on a finding that the closing of an area no longer promotes the conservation of fish, the commission may open the area to seining, netting, gigging, and other fishing.
- (d) The department may seize seines used in violation of this section and hold them as evidence in the trial of a defendant and no suit may be maintained against the department or an authorized employee for the seizure.
- (e) This section does not apply to any of the water to which Sections 201.012, 201.013, and 201.014 apply. (R.S. Art. 4045 (part).)

## CHAPTER 202. HARRISON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 202.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Harrison County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 202.002-202.010 reserved for expansion]

### SUBCHAPTER B. GAME ANIMALS

#### Sec. 202.011. Hunting Deer With Dogs

No person may pursue or take deer with dogs in Harrison County except in that portion of the county south of Interstate Highway 20 and east of State Highway 43. (Acts 61st Legis., Reg.Sess., Ch. 248.)

[Sections 202.012-202.020 reserved for expansion]

### SUBCHAPTER C. FISH

#### Sec. 202.021. Fish Sale

(a) No person may buy or sell, offer to buy or sell, possess for sale, or carry, transport, or ship for sale, barter, or exchange any white bass or striped bass (barfish) in Harrison County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of no more than \$100. Each sale, shipment, or other act in violation of this section constitutes a separate offense. (Acts 51st Legis., Reg.Sess., Ch. 136, Sec. 1 (part), 3.)

[Sections 202.022-202.030 reserved for expansion]

### SUBCHAPTER D. CADDO LAKE

#### Sec. 202.031. Firing Weapons

(a) No person may shoot a pistol or rifle in, on, along, or across Caddo Lake in Harrison County.

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(b) This section does not apply to peace officers, game management officers, or representatives of the Parks and Wildlife Commission in the discharge of their official duties, nor does it prevent a person from hunting with a shotgun during an open season or when it is lawful to hunt in or upon Caddo Lake in Harrison County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

(d) Venue for prosecutions for violations of this section is in Harrison or Marion counties. Prosecutions may be brought and maintained in either county without regard to the county where the offense was committed. (Acts 46th Legis., Reg.Sess., p. 829, S.L., Ch. 77, Sec. 4, 5, 6, 9.)

**CHAPTER 203.    HARTLEY COUNTY**

**Sec. 203.001.    Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hartley County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 204.    HASKELL COUNTY**

**SUBCHAPTER A.    APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 204.001.    Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Haskell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 204.002-204.010 reserved for expansion]

**SUBCHAPTER B.    FISH**

**Sec. 204.011.    Minnow Transport**

(a) No person may transport minnows caught, seined, or taken from Haskell County into another county of this state.

(b) Possession of more than 500 minnows at one time by a person is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 5.)

**CHAPTER 205.    HAYS COUNTY**

**SUBCHAPTER A.    APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 205.001.    Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hays County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 205.002-205.010 reserved for expansion]

**SUBCHAPTER B. FISH****Section 205.011. Minnow Transport and Sale**

(a) No person may transport any minnows taken from the water of Hays County out of the county for the purpose of sale or transport more than 200 minnows out of the county for any purpose.

(b) Possession of more than 200 minnows by a person is prima facie evidence of a violation of this section.

(c) This section does not apply to the transportation of minnows by the state and federal fish hatcheries in Hays County.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (Acts 51st Legis., 1st C.S., Ch. 47, Sec. 2, 3.)

**CHAPTER 206. HEMPHILL COUNTY****Sec. 206.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hemphill County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 207. HENDERSON COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 207.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Henderson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 207.002-207.010 reserved for expansion]

**SUBCHAPTER B. FISH****Sec. 207.011. Cedar Creek Reservoir: Fish Sale**

(a) Except as provided by Subsection (b) of this section no person may sell or offer to sell any fish taken from that portion of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir situated in Henderson County.

(b) This section does not prohibit the selling of rough fish taken by seine or net under contract with the Parks and Wildlife Department as provided by general law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 228, Sec. 4 (part).)

**CHAPTER 208. HIDALGO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 208.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hidalgo County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 208.002–208.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

**Sec. 208.011. Pheasants**

(a) No person may hunt wild pheasants in Hidalgo County except during the open season, which is the months of October, November, December, January, February, and March. During the open season wild pheasants may be hunted in Hidalgo County only on enclosed tracts of land consisting of not less than 250 acres that have been stocked with wild pheasants raised by a licensed game breeder in this state.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each pheasant taken or killed in violation of this section constitutes a separate offense.

(c) This section does not permit the hunting of pheasants on private land without consent of the person owning or having control of the land. (Acts 54th Legis., Reg.Sess., Ch. 327.)

**CHAPTER 209. HILL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 209.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hill County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 209.002–209.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 209.011. Fish Sale**

(a) No person may offer, expose, or possess for sale or sell any fish caught or taken from the Brazos River, Lake Whitney, or their tributaries in Hill County except as authorized by the Parks and Wildlife Department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Possession of each fish taken in violation of this section constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 188, Sec. 4 (part), 5.)

**Sec. 209.012. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport into another county any minnows caught, seined, or taken from the water of Hill County.

(b) A person may transport from Hill County into another county not more than 150 minnows for personal use, or transport from Hill County into another county any minnows raised in a minnow hatchery in this state.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed land and not connected with, or a part of, any stream and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

**CHAPTER 210. HOCKLEY COUNTY**

**Sec. 210.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hockley County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 211. HOOD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 211.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hood County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 211.002-211.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 211.011. Minnow Transport and Sale**

(a) Except as provided in Subsection (b) of this section, no person may transport outside the county for the purpose of sale any minnows taken from the water of Hood County, and no person may have more than 150 minnows in possession or in any vehicle at any time.

(b) A licensed bait dealer may take minnows from a private minnow hatchery in Hood County and transport them for sale.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, or a part of, any stream and used in whole or in part for the propagation of minnows.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each minnow taken in violation of this section constitutes a separate offense. (Acts 52nd Legis., Reg.Sess., Ch. 53, Sec. 2, 5.)

**CHAPTER 212. HOPKINS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 212.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Hopkins County. (New.)

[Sections 212.002–212.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 212.011. Deer**

(a) No person may hunt deer in Hopkins County except during the open season beginning on November 22 and extending through December 1.

(b) During the open season, no person may take, kill, or have in his possession a deer other than a buck with pronged horn. No person may take or kill more than one buck deer in one season. (Acts 56th Legis., Reg.Sess., Ch. 267, Sec. 1 (part); Acts 54th Legis., Reg.Sess., Ch. 91, Sec. 2.)

**Sec. 212.012. Squirrel**

(a) No person may hunt squirrel in Hopkins County except during the open seasons beginning on May 1 and extending through July 31, and beginning on October 1 and extending through December 31. During the open seasons no person may kill, take, or have in his possession more than eight squirrels a day.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each squirrel killed, taken, or possessed in violation of this section constitutes a separate offense. (Acts 50th Legis., Reg.Sess., Ch. 100, Sec. 1 (part), 3.)

[Sections 212.013–212.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 212.021. Turkey**

(a) No person may hunt any wild turkey in Hopkins County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 or confinement in the county jail for not less than 1 day nor more than 30 days, or both. Each turkey killed or possessed in violation of this section constitutes a separate offense and shall be seized and disposed of as provided in Section 12.110 of this code. (54th Legis., Reg.Sess., Ch. 91, Sec. 1 (part), 3 (part).)

**Sec. 212.022. Quail**

(a) No person may hunt wild quail in Hopkins County except during the open season beginning on December 1 and extending through January 31. During the open season, no person may hunt wild quail in Hopkins County on Sunday.



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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 373, Sec. 2, 3 (part), 4.)

[Sections 212.023–212.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 212.031. Hunting Mink With Dogs**

A person may hunt wild mink in Hopkins County with dogs. A person may have in his possession a mink pelt while hunting with dogs. (V.A.P.C. Art. 923m, Sec. 4 (part).)

**CHAPTER 213. HOUSTON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 213.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Houston County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 213.002–213.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 213.011. Deer**

(a) No person may hunt wild deer in Houston County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each deer taken or killed in violation of this section constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 408.)

[Sections 213.012–213.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 213.021. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any fish caught or taken from the public fresh water of Houston County, except fish taken from those parts of the Trinity and Neches rivers which are in Houston County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2 (part), 3.)

**CHAPTER 214. HOWARD COUNTY**

**Sec. 214.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Howard County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 215. HUDSPETH COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 215.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hudspeth County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 215.002-215.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 215.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in Hudspeth County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**CHAPTER 216. HUNT COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 216.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hunt County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 216.002-216.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 216.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Hunt County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 216.012. Sale of Fish From Lake Tawakoni**

(a) Except as provided in this section, no person may sell or offer to sell any fish taken from Lake Tawakoni in Hunt County.

(b) This section does not prohibit the sale of rough fish taken by net or seine under contract with the department as provided in this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 228, Sec. 4.)

**Sec. 216.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Hunt County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

[Sections 216.014–216.020 reserved for expansion]

**SUBCHAPTER C. SABINE RIVER**

**Sec. 216.021. Sabine River: Navigability**

(a) That part of the Sabine River located between its source and its juncture with the east boundary line of Hunt County is not a navigable stream for the purpose of hunting and fishing rights on and along the stream. This section does not divest the state of whatever title it may have to the bed or water of the stream.

(b) Article 5302, Revised Civil Statutes of Texas, 1925, does not apply to that portion of the Sabine River described in Subsection (a) of this section. (V.A.C.S. Art. 4026b.)

**CHAPTER 217. HUTCHINSON COUNTY**

**Sec. 217.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Hutchinson County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 218. IRION COUNTY**

**Sec. 218.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Irion County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 219. JACK COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 219.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jack County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 219.002–219.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 219.011. Minnow Transport**

(a) No person may take minnows from the public fresh water of Jack County for barter or sale outside the area composed of Jack, Stephens, Young, and Palo Pinto counties.

(b) No person may transport for sale minnows taken from the public fresh water of Jack County beyond the borders of the area composed of Jack, Stephens, Young, and Palo Pinto counties.

(c) Transportation of minnows out of the area described in this section by a commercial bait dealer or his agent is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$200. (Acts 49th Legis., Reg.Sess., Ch. 48.)

## **CHAPTER 220. JACKSON COUNTY**

### **Sec. 220.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jackson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 221. JASPER COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 221.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jasper County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 221.002–221.010 reserved for expansion]

### **SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

#### **Sec. 221.011. Hunting With Dogs**

A person may use dogs to hunt game birds and game animals in Jasper County only during the open season for the game bird or game animal. (58th Legis., Reg.Sess., Ch. 510, Sec. 2.)

#### **Sec. 221.012. Hunting Deer With Dogs**

(a) No person may knowingly allow a dog under his control to hunt wild deer in Jasper County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(b) (part), 3(d).)

#### **Sec. 221.013. Possession of Deer**

(a) No person may possess the freshly killed carcass of a wild deer in Jasper County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(c), 3(d).)

[Sections 221.014–221.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 221.021. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any black bass, trout, white perch, or catfish of less than 18 inches in length taken from the water of the Sabine, Attoyoc, Angelina, and Neches rivers or any of their tributaries or lakes through which the flood streams of the rivers or their tributaries flow in Jasper County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 30 days, or both. Each fish sold in violation of this section constitutes a separate offense. (V.A.P.C. Art. 952i-9, Sec. 1 (part), 3.)

[Sections 221.022-221.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 221.031. Regulatory Act: Exclusion**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fox in Jasper County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(8) (part).)

**Sec. 221.032. Calling Devices**

(a) No person may use a horn, recording, or other device to call or attract wild fox in Jasper County unless he has obtained a permit from the department allowing him to use the devices for scientific research or making wildlife movies.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), 2.)

**CHAPTER 222. JEFF DAVIS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 222.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jeff Davis County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 222.002-222.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 222.011. Regulatory Act: Exemption**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fish in Jeff Davis County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**CHAPTER 223. JEFFERSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 223.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jefferson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 223.002-223.010 reserved for expansion]

**SUBCHAPTER B. SHRIMP**

**Sec. 223.011. Regulatory Act: Exclusion**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to shrimp in Jefferson County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(1) (part).)

**Sec. 223.012. Shrimp Regulations**

(a) The commission may regulate the taking of shrimp from the coastal water of Jefferson County to provide for the most profitable and equitable harvest of shrimp from year to year and to conserve and protect the shrimp resources of Jefferson County from depletion and waste.

(b) The commission may make regulations to carry out the policy of this section including regulating:

- (1) the size of shrimp that may be taken;
- (2) open and closed shrimp seasons;
- (3) the means of taking shrimp;
- (4) the size and type of boats and equipment that may be used for taking shrimp;
- (5) the length and mesh size of nets and trawls and their spreading devices; and
- (6) the possession, transportation, sale, and other handling of shrimp in the coastal water of Jefferson County.

(c) The commission, by regulation adopted in accordance with this section, may provide for the licensing of all persons taking, selling, or handling shrimp in Jefferson County and may license boats and equipment used for the taking, selling, or handling of shrimp in Jefferson County. The commission may adopt the licensing provisions of the Texas Shrimp Conservation Act (Chapter 77 of this code).

(d) The commission shall conduct continuous research, investigations, and studies of the shrimp resources in Jefferson County in the same manner as required by Section 77.004, 77.005, and 77.006 of this code. Based on the information obtained and after hearings, the commission shall promulgate the regulations authorized by this section. The hearings, the methods of adoption of the regulations, the effective date of the regulations, and the procedure for appeal shall be governed by the provisions of Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended.

(e) "Coastal water" is defined by Section 77.001(1) of this code.

(f) A person who violates a regulation of the commission adopted under this section shall be punished as provided in Section 77.020 of this code. The commission has all powers of enforcement granted to it under

Chapter 77 of this code for the enforcement of this section. (Acts 58th Legis., Reg.Sess., Ch. 339 (part).)

**CHAPTER 224. JIM HOGG COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 224.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Jim Hogg County. (New.)

[Sections 224.002–224.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 224.011. Deer Season**

(a) No person may hunt deer in Jim Hogg County except during the open season beginning on the second Saturday in November and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 586.)

**Sec. 224.012. Collared Peccary**

(a) Collared peccary (javelina) may be hunted at any time in Jim Hogg County.

(b) No person may sell, offer for sale, or take or possess for the purpose of barter or sale any collared peccary (javelina) or any part of a collared peccary (javelina).

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) or part of a collared peccary (javelina) possessed for sale, sold, or offered for sale in violation of this section constitutes a separate offense. (V.A.P.C. Art. 879g–2a (part); Art. 879g–4.)

[Sections 224.013–224.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 224.021. Quail Season**

(a) No person may hunt wild quail in Jim Hogg County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken or killed in violation of this section constitutes a separate offense. (Acts 57th Legis., Reg.Sess., Ch. 358, Sec. 1, 2, 4.)

**CHAPTER 225. JIM WELLS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 225.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jim Wells County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 225.002-225.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 225.011. Fish Sale**

(a) No person may take for sale any fish from Lake Corpus Christi formerly known as Lake Lovenskiold in Jim Wells County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 45th Legis., Reg.Sess., Ch. 412, Sec. 1 (part), 4.)

**CHAPTER 226. JOHNSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 226.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Johnson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 226.002-226.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 226.011. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any fish caught or taken from the Brazos River, Lake Whitney, or their tributaries in Johnson County except as authorized by the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each fish possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 188, Sec. 4 (part), 5.)

**Sec. 226.012. Minnow Transport**

(a) No person may catch minnows in Johnson County for the purpose of sale outside Johnson County.

(b) No person may take more than 125 minnows from Johnson County and transport them out of Johnson County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$250. (Acts 45th Legis., Reg.Sess., Ch. 403, Sec. 3 (part), 4.)



**CHAPTER 227. JONES COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 227.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Jones County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 227.002-227.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 227.011. Fish Sale**

(a) No person may catch fish in the public water of Jones County for commercial purposes.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$250. Each day a person violates this section constitutes a separate offense. (Acts 46th Legis., Reg.Sess., p. 802, S.L., Ch. 53, Sec. 1 (part).)

**Sec. 227.012. Minnows**

(a) No person may catch minnows commonly used for bait from the water of Fort Phantom Hill Lake in Jones County if the minnows are to be used for barter or sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (47th Legis., Reg.Sess., Ch. 538, Sec. 3 (part), 5.)

**CHAPTER 228. KARNES COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGU-  
LATORY ACT**

**Sec. 228.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Karnes County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 228.002-228.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 228.011. Sale of Collared Peccary (Javelina)**

(a) No person may take, kill, or possess for the purpose of sale or sell or offer for sale any collared peccary (javelina) or any part of a collared peccary (javelina) in Karnes County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) or part of a collared peccary (javelina) taken, possessed, or offered for sale or sold in violation of this sec-

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tion constitutes a separate offense. (Acts 58th Legis., Reg.Sess., Ch. 12, Sec. 1 (part), 2.)

[Sections 228.012–228.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 228.021. Minnow Sale and Transport**

(a) No person may take minnows from the water of Karnes County for the purpose of sale.

(b) No commercial minnow dealer or his employee may take minnows from the water of Karnes County.

(c) No person may transport minnows taken from the water of Karnes County out of the county for commercial purposes.

(d) No person may transport more than 200 minnows out of Karnes County in one day or have more than 200 minnows in a vehicle in Karnes County.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 54th Legis., Reg.Sess., Ch. 325.)

**CHAPTER 229. KAUFMAN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 229.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kaufman County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 229.002–229.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 229.011. Fish Sale**

(a) No person may take or possess for sale, sell, or offer for sale any bass, trout, crappie, white perch, bream or other perch or channel catfish measuring less than 12 inches in length, taken from the fresh water of Kaufman County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 49th Legis., Reg.Sess., Ch. 62, Sec. 3, 5, 8.)

**Sec. 229.012. Sale of Certain Fish**

(a) No person may sell or offer to sell any fish taken from Lake Tawakoni in Kaufman County or from Joe B. Hogsett Reservoir (Cedar Creek Reservoir) in Kaufman County.

(b) This section does not prohibit the selling of rough fish taken by seine or net under contract with the department as provided in this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 228, Sec. 4 (part).)

## CHAPTER 230. KENDALL COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

**Sec. 230.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Kendall County. (New.)

[Sections 230.002–230.010 reserved for expansion]

## SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

**Sec. 230.011. Definitions**

As used in this subchapter:

(1) "Buck deer" means a deer that has a hardened antler protruding through the skin.

(2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 230.012. Open Archery Season**

(a) The open archery season in Kendall County is 30 calendar days immediately preceeding the open season for hunting deer in Kendall County as provided by law or by proclamation of the department.

(b) During the open archery season, a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

**Sec. 230.013. Prohibited Archery Equipment**

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in Kendall County by means of:

(1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;

(3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or

(4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 230.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Kendall County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

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(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 230.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with a bow and arrow during the open archery season in Kendall County.

(b) No person may possess an antlerless deer in Kendall County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Kendall County that does not have attached to it a tag issued to him on his valid hunting license unless the carcass had been finally processed.

(d) In Kendall County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 230.016. Penalty**

A person who violates Sections 230.012 through Section 230.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 230.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Kendall County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

**Sec. 230.018. Axis Deer Hunting**

(a) No person may hunt axis deer by any means in Kendall County outside of property enclosed by a deer-proof fence.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. Each axis deer taken or killed in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 426.)

[Sections 230.019–230.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 230.021. Turkey Gobblers**

(a) No person may take or attempt to take more than two turkey gobblers during the open season in Kendall County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each turkey gobbler taken in violation of this section constitutes a

separate offense. (Acts 46th Legis., Reg.Sess., p. 836, S.L., Ch. 83, Sec. 5a, 5b (part).)

[Sections 230.022-230.030 reserved for expansion]

#### SUBCHAPTER D. FISH

##### Sec. 230.031. Setlines

No person may catch fish in Kendall County with a trotline or setline having more than 25 hooks or having hooks spaced less than four feet apart. (Acts 48th Legis., Reg.Sess., Ch. 124, Sec. 1.)

##### Sec. 230.032. Balcones Creek

No person may catch fish in Kendall County from February 1 to May 1 in that portion of Balcones Creek which forms the boundary between Bexar and Kendall counties. (Acts 48th Legis., Reg.Sess., Ch. 124, Sec. 2.)

##### Sec. 230.033. Penalty

A person who violates Section 230.031 or 230.032 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50 (Acts 48th Legis., Reg.Sess., Ch. 124, Sec. 3.)

##### Sec. 230.034. Fish Sale

(a) No person may take, offer, or possess for sale any catfish, perch, crappie, bream, or bass in Kendall County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56, Sec. 1 (part), 2.)

[Sections 230.035-230.040 reserved for expansion]

#### SUBCHAPTER E. SPECIAL REGULATORY PROVISIONS

##### Sec. 230.041. Regulatory Authority

(a) The Parks and Wildlife Commission has regulatory authority over the wildlife resources in Kendall County as provided in this subchapter.

(b) All general laws relating to Kendall County and the provisions of this chapter remain applicable until superseded or suspended by regulation of the commission issued under this subchapter.

(c) On the expiration of any regulation issued by the commission under this subchapter, or on the expiration of this subchapter, the general law or provision of this subchapter superseded or suspended by a regulation shall apply.

(d) This subchapter expires on December 31, 1977. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 1 (part), 15, 17.)

##### Sec. 230.042. Definitions

In this subchapter:

(1) "Depletion" means the reduction of a species below immediate recuperative potentials by any deleterious cause or causes.

(2) "Waste" means supply of a species or sex of a species sufficient that a seasonal harvest of the species will not prevent or, in the case of overpopulation, that will aid in the reestablishment of normal numbers of the species.

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(3) "Wildlife resources" means all game birds, game animals, furbearing animals, collared peccary (javelina), and all freshwater fish. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 4, 5, 14.)

**Sec. 230.043. Investigations**

The commission shall conduct investigations on the wildlife resources in Kendall County as provided in Section 61.051 of this code. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 2 (part).)

**Sec. 230.044. Open Seasons**

The commission shall provide open seasons for the hunting and catching of wildlife resources in Kendall County if the investigations and findings of fact reveal that it is safe to provide an open season. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 2 (part).)

**Sec. 230.045. Consent of Landowner**

No person may hunt or catch wildlife resources in Kendall County by any means during an open season established by the commission unless the owner of the land or water, or his agent, has given his consent. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 1 (part).)

**Sec. 230.046. Regulations**

(a) The regulation of the taking of wildlife resources in Kendall County under this subchapter shall be by regulation issued by the commission.

(b) A regulation of the commission authorizing the hunting or catching of wildlife resources in Kendall County must specifically provide for:

(1) the species, quantity, age or size, and sex of the wildlife resource authorized to be taken;

(2) the means or method that may be used to take the wildlife resource; and

(3) the area or portion of the county where the wildlife resource may be taken. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 2 (part).)

**Sec. 230.047. Amendments and Revocation**

(a) If the commission finds that there is a danger of depletion or waste of wildlife resources in Kendall County, it shall amend or revoke its regulations to prevent the depletion or waste and to provide the people the most equitable and reasonable privilege to hunt wildlife resources in Kendall County.

(b) The commission may amend or revoke its regulations in accordance with this subchapter at any time it finds the facts warrant a change. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 3 (part), 12.)

**Sec. 230.048. Regulations for Antlerless Deer**

A regulation of the commission authorizing the taking of antlerless deer is not effective for a tract of land unless the owner or other person in charge of the land agrees in writing to the regulation and to the number of antlerless deer authorized to be taken. (Acts 60th Legis., Reg. Sess., Ch. 552, Sec. 6 (part).)

**Sec. 230.049. Antlerless Deer Permits**

(a) No person may hunt antlerless deer in Kendall County without first having obtained an antlerless deer permit issued by the commission

on a form provided by the commission under rules established by the commission.

(b) No person may sell any permit received from the commission for the hunting and taking of antlerless deer if:

(1) payment for the permit is contingent on the purchaser killing and taking the antlerless deer; or

(2) retention of the purchase price by the seller is contingent on the purchaser killing and taking the antlerless deer. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 6 (part).)

**Sec. 230.050. Adoption of Regulations**

Regulations governing the hunting or catching of wildlife resources in Kendall County shall be adopted by the commission after notice and hearing as provided in Sections 61.101, 61.102, and 61.103 of this code. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 7, 8.)

**Sec. 230.051. Approval of Commissioners Court**

(a) The Commissioners Court of Kendall County shall approve or disapprove of a regulation of the commission, in whole or in part, at the first regular meeting occurring more than five days after notification of the adoption by the commission.

(b) If the commissioners court disapproves a regulation, the taking of the wildlife resource in Kendall County is governed by the appropriate general law or provision of this chapter.

(c) After disapproval of a regulation, no public hearing on a similar proposed regulation may be held within six months of the disapproval unless the commissioners court certifies to the commission that there has occurred a material change in the surrounding circumstances which requires a public hearing before the end of the six-month period. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 9 (part).)

**Sec. 230.052. Effective Date and Duration of Regulations**

(a) Except as provided in Subsection (b) of this section, a regulation takes effect within 15 days after the day the regulation was approved by the commissioners court.

(b) If the commission finds that there is an immediate danger of depletion in any area of Kendall County as to a species because of an act of God, it may declare a state of emergency, and a regulation issued under the state of emergency takes effect on approval of the commissioners court.

(c) A regulation of the commission continues in effect until it expires of its own terms or until it is amended or repealed. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 3 (part), 9 (part).)

**Sec. 230.053. Copies of Regulations**

On approval of a regulation by the Commissioners Court of Kendall County, the commission shall file, copy, and circulate the regulation as provided in Section 61.105 of this code. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 10.)

**Sec. 230.054. Penalty**

A person who violates a provision of this subchapter or a regulation issued under this subchapter is guilty of a misdemeanor and on conviction

is punishable by a fine of not less than \$25 nor more than \$200. Each wildlife resource taken in violation of this subchapter or a regulation issued under this subchapter constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 552, Sec. 13.)

## **CHAPTER 231. KENEDY COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 231.001. Regulatory Act: Applicability**

(a) The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the coastal water of Kenedy County with respect to fish, aquatic life, and marine animals except shrimp and oysters.

(b) Except as provided in Subsection (a) of this section, the Uniform Wildlife Act (Chapter 61 of this code) does not apply to wildlife resources in Kenedy County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 231.002-231.010 reserved for expansion]

### **SUBCHAPTER B. ANIMALS**

#### **Sec. 231.011. Precinct No. 1: Deer and Javelina**

(a) No person may hunt deer or javelina (collared peccary) in justice precinct No. 1 in Kenedy County except during the open season beginning on November 15 and extending through December 1.

(b) No person may take more than one buck deer or more than one javelina (collared peccary) in precinct No. 1 in Kenedy County during a year.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 56th Legis., Reg.Sess., Ch. 260 (part).)

[Sections 231.012-231.020 reserved for expansion]

### **SUBCHAPTER C. BIRDS**

#### **Sec. 231.021. Precinct No. 1: Turkey**

(a) No person may hunt wild turkey gobbler in justice precinct No. 1 in Kenedy County except during the open season beginning on November 15 and extending through December 1.

(b) No person may take more than one wild turkey gobbler in precinct No. 1 in Kenedy County during a year.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 56th Legis., Reg.Sess., Ch. 260 (part).)

#### **Sec. 231.022. Quail**

(a) No person may hunt wild quail in Kenedy County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each quail taken in violation of this section constitutes a separate offense. (Acts 50th Legis., Reg.Sess., Ch. 243 (part).)



**CHAPTER 232. KENT COUNTY****Sec. 232.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kent County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 233. KERR COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 233.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kerr County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 233.002-233.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS****Sec. 233.011. Collared Peccary (Javelina) Sale**

(a) No person may take or possess for barter or sale, sell, or offer for sale any collared peccary (javelina), or any part of one, in Kerr County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina), or part of one, taken, possessed, sold, or offered for sale in violation of this section constitutes a separate offense. (Acts 56th Legis., 2nd C.S., Ch. 38, Sec. 1 (part).)

[Sections 233.012-233.020 reserved for expansion]

**SUBCHAPTER C. FISH****Sec. 233.021. Injuring Fish**

(a) No person may destroy fish in any freshwater stream in Kerr County by the use of dynamite, powder, or other explosives.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year. (P.C. Art. 952, Sec. 2.)

**Sec. 233.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kerr County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 234. KIMBLE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 234.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kimble County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 234.002–234.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 234.011. Doe Archery Season**

In Kimble County, does may be taken by longbow and arrow during the open season for buck deer. (V.A.P.C. Art. 978j-1, Sec. 13(p).)

[Sections 234.012–234.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 234.021. Fish Sale**

(a) No person may offer, take, or possess for sale any catfish, perch, crappie, bream, or bass taken from the water of Kimble County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 144, Sec. 5 (part), 7.)

**Sec. 234.022. Minnow Transport, Sale, and Possession**

(a) No person may transport any minnows taken from the public fresh water of Kimble County for the purpose of sale.

(b) No person may transport more than 200 minnows taken from the public fresh water of Kimble County out of the county in one day for any purpose.

(c) No person except a licensed bait dealer residing in Kimble County may possess more than 200 minnows.

(d) No person may possess more than 1,000 minnows taken from the fresh water of Kimble County.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 144, Sec. 6 (part), 7.)

**Sec. 234.023. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kimble County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

## CHAPTER 235. KING COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 235.001. Regulatory Act: Applicability

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in King County. (New.)

[Sections 235.002-235.010 reserved for expansion]

## SUBCHAPTER B. FISH

## Sec. 235.011. Minnow Transport

(a) Except as provided in Subsections (b) and (c) of this section, no person may transport any minnows caught, seined, or taken from the water of King County into another county.

(b) A person may transport not more than 150 minnows caught, seined, or taken from the water of King County into another county for personal use.

(c) A person may transport any minnows raised in a minnow hatchery in this state from King County into another county.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 191, Sec. 1, 2 (part), 3, 4 (part), 5.)

## CHAPTER 236. KINNEY COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 236.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Kinney County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 236.002-236.010 reserved for expansion]

## SUBCHAPTER B. FISH

## Sec. 236.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Kinney County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

## Sec. 236.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kinney County any catfish, perch, crappie,

white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

## **CHAPTER 237. KLEBERG COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 237.001. Regulatory Act: Applicability**

(a) The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the coastal water of Kleberg County with respect to fish, aquatic life, and marine animals except shrimp and oysters.

(b) Except as provided in Subsection (a) of this section, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to wildlife resources in Kleberg County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 237.002–237.010 reserved for expansion]

### **SUBCHAPTER B. ANIMALS**

#### **Sec. 237.011. Javelina**

(a) This section applies to the following land in Kleberg County:

All lands within the Kleberg Town and Improvement Company's Subdivision (except those lands lying within the confines of the City of Kingsville, the town of Ricardo, and the United States Naval Auxiliary Air Station);

All lands lying within King Addition, except farm lots one, three, and the West one-half and the Northeast one-fourth of lot five; and

All lands lying within King Addition No. 3, King Addition No. 4, and King Addition No. 2.

(b) There is no closed season during which javelina may not be hunted in the area described in Subsection (a) of this section.

(c) No person may take or possess for sale, sell, barter, or offer for sale in the area described in Subsection (a) of this section a javelina or a part of a javelina.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each javelina taken, possessed, sold, or offered for sale in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg. Sess., Ch. 562.)

[Sections 237.012–237.020 reserved for expansion]

### **SUBCHAPTER C. BIRDS**

#### **Sec. 237.021. Quail**

(a) No person may hunt wild quail in Kleberg County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than

\$200. Each quail taken in violation of this section constitutes a separate offense. (Acts 50th Legis., Reg.Sess., Ch. 243 (part).)

**Sec. 237.022. Audubon Society Land**

(a) This section applies to North Bird Island and South Bird Island and the flats, reefs, and shallow water near those islands in Kleberg County during the period that the National Association of the Audubon Societies is the lessee of those islands.

(b) No person, other than an agent, representative, or employee of the National Association of Audubon Societies or an officer of this state or the United States, may enter on the land without the knowledge or consent of the association for the purpose of hunting a bird or for the purpose of taking or destroying a bird egg or nest.

(c) No person may hunt or molest a bird on the described land whether the person is on or off the described land.

(d) No person may discharge a firearm or explosive on or above the described land.

(e) No person may land, tie, or anchor a fishing boat in the described land.

(f) This section does not prohibit an agent, representative, or employee of the association from:

(1) hunting birds known to be a prey on other birds or eggs; or

(2) taking birds and eggs for propagation, conservation, or scientific purposes.

(g) This section does not prohibit a person from taking refuge on the described land because of storms.

(h) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500 or by confinement in jail for not less than 10 days nor more than 6 months, or by both. (P.C. Art. 923c (part).)

**CHAPTER 238. KNOX COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 238.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Knox County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 238.002-238.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 238.011. Minnow Transport**

(a) Except as provided in Subsections (b) and (c) of this section, no person may transport any minnows caught from the water of Knox County into another county.

(b) A person may transport not more than 150 minnows caught from the water of Knox County into another county for personal use.

(c) A person may transport any minnows raised in a minnow hatchery in this state from Knox County into another county.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 191, Sec. 1, 2 (part), 3, 4 (part), 5.)

## **CHAPTER 239. LAMAR COUNTY**

### **Sec. 239.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lamar County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 240. LAMB COUNTY**

### **Sec. 240.001. Regulatory Act: Applicability.**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lamb County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 241. LAMPASAS COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 241.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lampasas County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 241.002-241.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 241.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Lampasas County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

#### **Sec. 241.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Lampasas County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

## CHAPTER 242. LA SALLE COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 242.001. Regulatory Act: Applicability

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in La Salle County. (New.)

[Sections 242.002–242.010 reserved for expansion]

## SUBCHAPTER B. GAME ANIMALS

## Sec. 242.011. Deer Season

(a) No person may hunt buck deer in La Salle County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each deer killed, taken, or possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., 1st C.S., Ch. 20, Sec. 1(a), 1(c) (part), 3 (part).)

## Sec. 242.012. Collared Peccary (Javelina)

(a) No person may hunt collared peccary (javelina) in La Salle County except during the open season beginning on November 1 and extending through December 15.

(b) No person may take or possess collared peccary (javelina) or any part of a collared peccary (javelina) for barter or sale or barter or sell collared peccary (javelina) in La Salle County.

(c) No person may take more than two collared peccary (javelina) in one open season.

(d) This section does not apply to collared peccary (javelina) or their hides imported from another state or country.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) taken, possessed, sold, offered for sale, or possessed for sale in violation of this section is a separate offense. (Acts 56th Legis., Reg.Sess., Ch. 274, Sec. 1 (part), 2.)

[Sections 242.013–242.020 reserved for expansion]

## SUBCHAPTER C. BIRDS

## Sec. 242.021. Turkey

(a) No person may hunt turkey in La Salle County except during the open season beginning on November 1 and extending through December 15.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each turkey killed, taken, or possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., 1st C.S., Ch. 20, Sec. 1(b) (part), 1(c) (part), 3 (part).)

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**Sec. 242.022. Quail**

(a) No person may hunt quail in La Salle County except during the open season beginning on November 1 and extending through December 15.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each quail taken, killed, or possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., 1st C.S., Ch. 20, Sec. 1(b) (part), 1(c) (part), 3 (part).)

**Sec. 242.023. Pheasant**

Wild pheasant of all varieties may be hunted at any time in La Salle County. (Acts 54th Legis., Reg.Sess., Ch. 345, Sec. 1 (part).)

**CHAPTER 243. LAVACA COUNTY**

**Sec. 243.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lavaca County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 244. LEE COUNTY**

**Sec. 244.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lee County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 245. LEON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 245.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Leon County. (New.)

[Sections 245.002-245.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 245.011. Deer**

(a) No person may hunt deer in Leon County except during the open season beginning on the Saturday nearest to November 15 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 781, Sec. 1, 3 (part).)

**Sec. 245.012. Squirrel**

(a) No person may hunt or possess squirrel in Leon County except during the open seasons beginning on May 16th and extending through July 31, and beginning on October 1 and extending through December 31.



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(b) No person may take, kill, or possess more than 5 squirrels in one day or more than 15 squirrels in one calendar week during the open seasons in Leon County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 44th Legis., Reg.Sess., S.L., Ch. 22, Sec. 1 (part), 2.)

[Sections 245.013–245.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 245.021. Quail**

(a) No person may hunt wild quail in Leon County except during the open season beginning on December 15 of one year and extending through the last day of February the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each quail taken or killed in violation of this section constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 236.)

**Sec. 245.022. Turkey**

(a) No person may hunt turkey in Leon County at any time.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 781, Sec. 2, 3 (part).)

[Sections 245.023–245.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 245.031. Fish Limit**

There is no daily catch or retention limit on crappie or white perch in Leon County. (Acts 62nd Legis., Reg.Sess., Ch. 99.)

[Sections 245.032–245.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 245.041. Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract wild fox in Leon County unless he has obtained a permit from the department for the use of the device for scientific research or making wildlife movies.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), Sec. 2.)

**CHAPTER 246. LIBERTY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 246.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Liberty County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 246.002–246.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

**Sec. 246.011**

(a) No person may hunt with a shotgun using a shell containing larger than Number Four squirrel shot or with a rifle larger than a rimfire 22-caliber rifle in an area of Liberty County where deer roam unless it is the open season for taking deer in Liberty County.

(b) Possession of a shotgun and shell containing larger than Number Four squirrel shot or a rifle larger than a rimfire 22-caliber rifle in, through, or at woods where deer roam in Liberty County is prima facie evidence of a violation of this section.

(c) This section does not apply to peace officers or representatives of the commission in the lawful discharge of their official duties. (Acts 62nd Legis., Reg.Sess., Ch. 999, Sec. 1 (part), 2, 4.)

**Sec. 246.012. Discharge of Firearms**

(a) Except as provided in Subsection (b) of this section, no person may shoot a pistol or rifle in, on, along, and across the water of the Trinity River or Wallisville Reservoir in Liberty County.

(b) This section does not apply to peace officers or representatives of the department in the lawful discharge of their duties or to a person hunting migratory waterfowl during an open season in and on the Trinity River and Wallisville Reservoir. (Acts 62nd Legis., Reg.Sess., Ch. 97, Sec. 2 (part), 4.)

**Sec. 246.013. Penalty**

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 62nd Legis., Reg.Sess., Ch. 999, Sec. 3; Acts 62nd Legis., Reg.Sess., Ch. 97, Sec. 5 (part).)

[Sections 246.014–246.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS**

**Sec. 246.021. Squirrel Transport**

(a) No person may ship or cause to be shipped, receive for the purpose of transportation, transport, or carry beyond the limits of Liberty County wild squirrels.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (P.C. Art. 923i.)

[Sections 246.022–246.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 246.031. Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract wild fox in Liberty County unless he has first obtained a permit from the department to use the devices for making wildlife movies or scientific research.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), 2.)

**CHAPTER 247. LIMESTONE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 247.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Limestone County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 247.002–247.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

**Sec. 247.011. Calling Devices**

(a) No person may use any type of squealer, call, or other device or instrument used to call or attract animals to aid in the hunting of any wild animal on state-owned land in Limestone County.

(b) The Commissioners Court of Limestone County may extend the prohibition set out in Subsection (a) of this section to any privately owned land in Limestone County or to all or part of Limestone County. The commissioners court must notify the commission of their intent to broaden the prohibition. On receipt of a return from the commission, the commissioners court shall specify the land to which the prohibition is to be applied on forms prescribed by the commission. The forms shall be returned to the commission and be properly attested to as the official act of the Commissioners Court of Limestone County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 55th Legis., Reg.Sess., Ch. 70, Sec. 1 (part), 2 (part), 2.)

[Sections 247.012–247.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS**

**Sec. 247.021. Squirrel**

(a) No person may hunt squirrel in Limestone County except during the open seasons beginning on May 1 and extending through July 31 and beginning on October 1 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 429.)

**CHAPTER 248. LIPSCOMB COUNTY**

**Sec. 248.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lipscomb County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 249. LIVE OAK COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 249.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Live Oak County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 249.002-249.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 249.011. Fish Sale**

(a) No person may take for sale any fish from the water of Lake Corpus Christi in Live Oak County, the Nueces River between Calallen Dam and the west boundary of Live Oak County, and the tributaries of the Nueces River in Live Oak County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 45th Legis., Reg.Sess., Ch. 412, Sec. 1 (part), 4.)

**CHAPTER 250. LLANO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 250.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Llano County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 250.002-250.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO  
HUNTING****Sec. 250.011. Definitions**

In this subchapter:

- (1) "Buck deer" means a deer that has a hardened antler protruding through the skin.
- (2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 250.012. Open Archery Season**

(a) The open archery season in Llano County is 30 calendar days immediately preceding the open season for hunting deer in Llano County as provided by this code or by proclamation of the department.

(b) During the open archery season a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

**Sec. 250.013. Prohibited Archery Equipment**

No person may hunt wild buck deer, wild bear, wild antlerless deer, wild turkey gobblers, and collared peccary (javelina) in Llano County by means of:

- (1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;
- (2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;
- (3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or
- (4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg. Sess., Ch. 428, Sec. 4.)

**Sec. 250.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Llano County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from the used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 250.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season in Llano County.

(b) No person may possess an antlerless deer in Llano County unless he has in his possession an antlerless deer permit on which appears the

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date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Llano County if it does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In Llano County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 250.016. Penalty**

A person who violates Section 250.012 through Section 250.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 250.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp in Llano County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 250.018–250.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 250.021. Fish Sale**

(a) No person may take, offer, or possess for sale any catfish, perch, crappie, bream, or bass from the water of Llano County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 45th Legis., Reg.Sess., Ch. 16, Sec. 4, 6.)

**Sec. 250.022. Injuring Fish**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Llano County any catfish, perch, crappie, white perch, bass, trout, or other edible fish, and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 251. LOVING COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT****Sec. 251.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Loving County. (New.)

[Sections 251.002–251.010 reserved for expansion]

**SUBCHAPTER B. FISH****Sec. 251.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Loving County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 251.012. Fishing Methods**

(a) Except as provided in Subsection (b) of this section, no person may take or catch any fish in the freshwater rivers, creeks, lakes, bayous, pools, or lagoons of Loving County by any means other than an ordinary hook and line, trotline, or artificial bait, and no person may place in that water any seine, net or other device, or trap for taking or catching fish.

(b) A person may use a minnow seine not more than 20 feet long to catch minnows for bait.

(c) In seining for bait as permitted by this section, all minnows more than three inches long shall be returned to the water at once while alive.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (P.C. Art. 955 (part).)

**Sec. 251.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Loving County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 252. LUBBOCK COUNTY****Sec. 252.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lubbock County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

## CHAPTER 253. LYNN COUNTY

### Sec. 253.001. Regulatory Act: Applicability.

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Lynn County. (V.A.P.C. Art. 978j-1, sec. 1 (part).)

## CHAPTER 254. McCULLOCH COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 254.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in McCulloch County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 254.002-254.010 reserved for expansion]

### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING

#### Sec. 254.011. Definitions

In this subchapter:

- (1) "Buck deer" means a deer that has a hardened antler protruding through the skin.
- (2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

#### Sec. 254.012. Open Archery Season

(a) The open archery season in McCulloch County is 30 calendar days immediately preceding the open season for hunting deer in McCulloch County as provided by law or by proclamation of the department.

(b) During the open archery season a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

#### Sec. 254.013. Prohibited Archery Equipment

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in McCulloch County by means of:

- (1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;
- (2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;
- (3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or
- (4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg. Sess., Ch. 428, Sec. 4.)



**Sec. 254.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in McCulloch County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 254.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season.

(b) No person may possess an antlerless deer in McCulloch County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in McCulloch County that does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In McCulloch County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 254.016. Penalty**

A person who violates Section 254.012 through Section 254.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 254.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in McCulloch County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 254.018-254.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 254.021. Fish Sale**

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of McCulloch County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 254.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in McCulloch County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 254.023. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport any minnows caught in McCulloch County into another county.

(b) A person may transport from McCulloch County into another county not more than 150 minnows for personal use or transport from McCulloch County into another county any minnows raised in a minnow hatchery in this state.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, or a part of, any stream and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

**Sec. 254.024. Minnow Sale**

(a) No person may sell, barter, or exchange in McCulloch County any minnows caught in McCulloch County.

(b) No person may seine for sale or possess for sale any minnows in McCulloch County.

(c) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each sale, barter, or exchange in violation of this section constitutes a separate offense. (Acts 44th Legis., Reg.Sess., S.L., Ch. 3, Sec. 1 (part), 1-a, 2.)

**CHAPTER 255. McLENNAN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 255.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in McLennan County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 255.002-255.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 255.011. Fish Sale**

(a) No person may buy, barter, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish taken from Lake Waco, the Bosque River, or their tributaries in McLennan County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bought, sold, bartered or offered for sale or barter in violation of this section constitutes a separate offense. A person may be prosecuted for a violation of this section in the county where the offense is committed, where he is found possessing the fish, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in McLennan County to give a special charge on this law to the grand juries of McLennan County. (Acts 42nd Legis., 2nd C.S., Ch. 28, Sec. 1 (part), 7 (part), 8.)

**Sec. 255.012. Minnow Transport and Sale**

(a) No person may take minnows from the water of McLennan County for the purpose of transporting them out of the county for sale.

(b) Transportation of more than 100 minnows taken from the water of McLennan County into another county is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 and not more than \$200. (Acts 50th Legis., Reg.Sess., Ch. 246, Sec. 1 (part), 2.)

**CHAPTER 256. McMULLEN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 256.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in McMullen County. (New.)

[Sections 256.002-256.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 256.011. Deer**

A person may hunt deer in McMullen County during the open season beginning on November 1 and extending through December 15. (Acts 51st Legis., Reg.Sess., Ch. 183, Sec. 1 (part).)

**Sec. 256.012. Collared Peccary (Javelina)**

(a) This section applies to all collared peccary (javelina) and their hides except those imported from another state or foreign country.

(b) No person may hunt collared peccary (javelina) in McMullen County except during the open season beginning on November 1 and extending through December 15.

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(c) No person may take in one season in McMullen County more than two collared peccary (javelina).

(d) No person may take or possess for barter or sale, or offer for sale, or sell collared peccary (javelina), or part of one, in McMullen County at any time.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) taken or possessed, or offered or possessed for sale, or sold in violation of this section constitutes a separate offense. (Acts 56th Legis., Reg.Sess., Ch. 274, Sec. 1 (part), 2.)

[Sections 256.013–256.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 256.021. Turkeys**

A person may hunt wild turkeys in McMullen County during the open season beginning on November 1 and extending through December 15. (Acts 51st Legis., Reg.Sess., Ch. 183, Sec. 1 (part).)

**Sec. 256.022. Quail**

A person may hunt quail in McMullen County during the open season beginning on November 1 and extending through December 15. (Acts 51st Legis., Reg.Sess., Ch. 183, Sec. 1 (part).)

**CHAPTER 257. MADISON COUNTY**

**Sec. 257.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Madison County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 258. MARION COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 258.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Marion County. (New.)

[Sections 258.002–258.110 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO  
HUNTING**

**Sec. 258.011. Shooting Pistols on Caddo Lake**

(a) No person may shoot a pistol in, on, along, or across Caddo Lake in Marion County.

(b) This section does not apply to peace officers or employees of the department engaged in official duties, nor does this section prohibit hunting with a shotgun during an open season.

(c) Peace officers and authorized employees of the department may inspect boats and other watercraft for violations of this section without a warrant.

(d) A prosecution for a violation of this section may be maintained in Marion or Harrison County without regard to where the offense occurred.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 46th Legis., Reg.Sess., p. 829, S.L., Ch. 77, Sec. 4, 5, 6, 7, 8, and 9.)

[Sections 258.012-258.020 reserved for expansion]

**SUBCHAPTER C. ANIMALS**

**Sec. 258.021. Deer**

(a) No person may hunt deer in Marion County except during the open seasons beginning on November 16 and extending through November 21 and beginning on December 26 and extending through December 31.

(b) No person may take more than two buck deer with pronged antlers during a calendar year in Marion County.

(c) No person may hunt deer in Marion County during the period between sunset and sunrise.

(d) No person may hunt deer on the land of another without the permission of the owner or lessee.

(e) No person may hunt deer in Marion County by a method other than with a rifle or shotgun capable of being fired from the shoulder, and no person may hunt deer in Marion County with:

(1) .22 caliber rimfire ammunition; or

(2) a .22 caliber rifle, jet gun, or rocket gun.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$500, or by confinement in jail for not less than 10 days nor more than three months, or by both. (Acts 52nd Legis., Reg.Sess., Ch. 113, Sec. 2, 3, 4, 5, 7.)

**Sec. 258.022. Squirrel**

(a) No person may take or kill squirrel in Marion County except during the open season during the months of October, November, and December.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$100. (Acts 51st Legis., Reg.Sess., Ch. 473, Sec. 1a.)

**Sec. 258.023. Coypu**

Coypu (nutria) may be hunted at any time in Marion County. (Acts 56th Legis., Reg.Sess., Ch. 72.)

[Sections 258.024-258.030 reserved for expansion]

**SUBCHAPTER D. BIRDS**

**Sec. 258.031. Quail**

(a) No person may hunt quail in Marion County except during the open season beginning on December 1 of one year and extending through February 15 of the following year.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each bird taken or killed in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 412.)

**Sec. 258.032. Blinds**

(a) No person may construct a blind to be leased for the hunting of waterfowl in Marion County without first having obtained from the department a permit.

(b) No person may lease a blind to be used in Marion County for the hunting of waterfowl without first having obtained from the department a permit for each blind.

(c) The department shall issue the permits required by this section for an annual fee of \$5 for each blind leased.

(d) No person may construct or use a blind in Marion County for the hunting of waterfowl if the blind is nearer than 300 yards to another blind used for the hunting of waterfowl. This section applies to any blind whether leased or used privately.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

(f) In a prosecution for using a blind nearer than 300 yards of another blind, it is an affirmative defense that the blind being used by the accused was located, built, and ready for use before the other blind was constructed. (Acts 47th Legis., Reg.Sess., Ch. 115.)

[Sections 258.033–258.040 reserved for expansion]

**SUBCHAPTER E. FISH**

**Sec. 258.041. Fishing Methods**

(a) No person may catch fish in Marion County except by the following methods:

(1) ordinary hook, rod and reel, set hook and line, trotline, or artificial bait;

(2) for minnows for bait only, a minnow seine not more than 20 feet long;

(3) for buffalo fish, gar, catfish, shad, and bowfin or grindle during any month of the year except February, March, April, and May, a hoop net, setnet, or trammel net the meshes of which are not less than three and one-half inches square; and

(4) for buffalo fish, gar, catfish, shad, and bowfin or grindle in Caddo Lake, a gig.

(b) No person using a net authorized by Subdivision (2) or (3) of Subsection (a) of this section may fail to return to the water any fish taken with the net that are not authorized to be caught with the net being used. No person may possess a fish not authorized to be taken with a net while the person is using a net.

(c) Nets, the use of which are not authorized by this section in Marion County, are a public nuisance, and peace officers and enforcement officers of the department are to destroy them. No suit may be maintained against an officer or employee of the department for carrying out the provisions of this subsection.

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(d) A person who violated this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (V.A.P.C. Art. 952aa; Acts 45th Legis., 1st C.S., Ch. 48.)

### **Sec. 258.042. Fish Size and Retention Limits**

(a) No person may catch and keep a catfish from the water of Caddo Lake in Marion County if the fish is shorter than eight inches.

(b) No person may catch and keep more than 25 catfish from Caddo Lake in Marion County during one day.

(c) There is no daily limit or possession limit on crappie in Marion County.

(d) No person may possess or catch and keep in one day more than 25 white bass or striped bass in Marion County.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50, unless the person violates Subsection (d) of this section, in which case he is punishable by a fine of not less than \$100. Each fish taken in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 439, Sec. 1 (part), 3, 4; Acts 51st Legis., Reg.Sess., Ch. 136, Sec. 2, 3 (part); Acts 62nd Legis., Reg.Sess., Ch. 490, Sec. 1a.)

### **Sec. 258.043. Fish Sale**

(a) No person may possess for sale, sell, buy, offer to sell or buy, transport or ship for the purpose of sale, or barter a white bass or a striped bass in Marion County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish sale or shipment in violation of this section constitutes a separate offense. (Acts 51st Legis., Reg.Sess., Ch. 136, Sec. 1, 3 (part).)

## **CHAPTER 259. MARTIN COUNTY**

### **Sec. 259.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Martin County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 260. MASON COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 260.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Mason County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 260.002-260.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE  
TO HUNTING**

**Sec. 260.011. Definitions**

In this subchapter:

- (1) "Buck deer" means a deer that has a hardened antler protruding through the skin.
- (2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 260.012. Open Archery Season**

(a) The open archery season in Mason County is 30 calendar days immediately preceding the open season for hunting deer in Mason County as provided by law or by proclamation of the department.

(b) During the open archery season, a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

**Sec. 260.013. Prohibited Archery Equipment**

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in Mason County by means of:

- (1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;
- (2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;
- (3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or
- (4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 260.014. Deer Permits**

(a) At least 15 days prior to the opening date of the open archery season, a landowner or lessee in Mason County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 260.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season.



(b) No person may possess an antlerless deer in Mason County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in Mason County that does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) In Mason County no person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 260.016. Penalty**

A person who violates Section 260.012 through Section 260.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 260.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Mason County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 260.018–260.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 260.021. Fish Sale**

(a) No person may take for sale, offer for sale, or possess for sale any catfish, perch, crappie, bream, or bass in Mason County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56, Sec. 1 (part), 2.)

**Sec. 260.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Mason County any catfish, perch, crappie, white perch, bass, trout, or other edible fish, and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 260.023. Minnow Transport**

(a) No person may transport any minnows caught in Mason County into another county.

(b) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

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(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 5.)

**CHAPTER 261. MATAGORDA COUNTY**

**Sec. 261.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Matagorda County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**Sec. 261.002. Regulatory Act: Shrimp Excluded**

In Matagorda County shrimp are not wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(1) (part).)

**CHAPTER 262. MAVERICK COUNTY**

**Sec. 262.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Maverick County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 263. MEDINA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 263.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Medina County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 263.002–263.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 263.011. Fish Sale**

(a) No person may barter, sell, or offer for barter or sale any bass, perch, crappie, or catfish taken from the freshwater streams of Medina County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 952, Sec. 1 (part).)

**Sec. 263.012. Injuring Fish**

(a) No person may use dynamite, powder, or other explosive in the freshwater streams of Medina County resulting in the destruction of fish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and confinement in the county jail for not more than one year. (P.C. Art. 952, Sec. 2.)

**Sec. 263.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Medina County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 264. MENARD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 264.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Menard County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 264.002-264.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 264.011. Fish Sale**

(a) No person may take, offer, or possess for the purpose of sale any catfish, perch, crappie, bream, or bass in Menard County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 144, Sec. 5 (part), 7.)

**Sec. 264.012. Minnows**

(a) No person may transport minnows taken from the public fresh water of Menard County for the purpose of sale.

(b) No person may transport more than 200 minnows taken from the public fresh water of Menard County beyond Menard County in one day.

(c) No person, except a licensed bait dealer residing in Menard County, may possess more than 200 minnows in Menard County.

(d) No person may possess more than 1,000 minnows taken from the fresh water of Menard County.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 144, Sec. 6 (part), 7.)

**Sec. 264.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Menard County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish

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left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 265. MIDLAND COUNTY**

**Sec. 265.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Midland County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 266. MILAM COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 266.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Milam County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 266.002-266.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 266.011. Fish Sale**

(a) No person may barter, sell, offer for barter or sale, buy, or possess after purchase any fish taken from the water of Milam County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 51st Legis., Reg.Sess., Ch. 175, Sec. 2, 3.)

**CHAPTER 267. MILLS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 267.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Mills County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 267.002-267.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 267.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Mills County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 267.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers,

pools, lagoons, or tanks, in Mills County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 268. MITCHELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 268.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Mitchell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 268.002-268.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 268.011. Fish Sale: Lake Colorado City**

(a) No person may catch fish from Lake Colorado City in Mitchell County for the purpose of sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$50. (Acts 52nd Legis., Reg.Sess., Ch. 220.)

**CHAPTER 269. MONTAGUE COUNTY**

**Sec. 269.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Montague County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 270. MONTGOMERY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 270.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Montgomery County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 270.002-270.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 270.011. Squirrel Sale**

(a) No person may sell, offer for sale, or ship for sale any squirrel in Montgomery County.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (P.C. Art. 923k.)

[Sections 270.012–270.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 270.021. Minnow Sale and Transport**

(a) As used in this section, “minnow hatchery” is a pond or series of ponds located wholly on private, enclosed property and not connected with nor part of any stream and used in whole or in part for the propagation of minnows.

(b) Except as provided in Subsections (c) and (d) of this section, no person may transport any minnows taken from Montgomery County to another county in this state.

(c) A person may transport not more than 150 minnows taken from Montgomery County to another county in this state for personal use.

(d) A person may transport minnows raised in a fish hatchery from Montgomery County to another county in this state.

(e) Possession of more than 500 minnows at one time is prima facie evidence of a violation of this section.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 51st Legis., Reg.Sess., Ch. 356.)

**CHAPTER 271. MOORE COUNTY**

**Sec. 271.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Moore County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 272. MORRIS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 272.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Morris County. (New.)

[Sections 272.002–272.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 272.011. Deer Season**

No person may hunt deer in Morris County except during the open seasons beginning on November 16 and extending through November 22 and beginning on December 25 and extending through December 31. (Acts 59th Legis., Reg.Sess., Ch. 230, Sec. 2, 3(a).)

**Sec. 272.012. Deer Limit**

In Morris County, no person may take or kill more than one deer during an open season or take, kill, or possess any deer except a buck deer with a pronged horn of three points or more. (Acts 59th Legis., Reg. Sess., Ch. 230, Sec. 3(b), 3(c).)

**Sec. 272.013. Methods of Hunting Deer**

(a) No person may use .22 caliber rimfire ammunition in hunting deer in Morris County.

(b) No person may hunt wild deer in Morris County with a .22 caliber rifle.

(c) No person may hunt wild deer in Morris County by any means other than a rifle, except a .22 caliber rifle, or a shotgun capable of being fired from the shoulder or bows and arrows conforming to the specifications described in Section 62.055 of this code.

(d) No person may use a dog to hunt deer or allow a dog to run, trail, or pursue a deer in Morris County. (Acts 59th Legis., Reg.Sess., Ch. 230, Sec. 4(a), 4(b) (part); V.A.P.C. Art. 880c (part).)

**Sec. 272.014. Permission of Owner**

No person may hunt deer on the land of another in Morris County without the permission of the owner or lessee of the land. (Acts 59th Legis., Reg.Sess., Ch. 230, Sec. 4(b) (part).)

**Sec. 272.015. Penalty**

A person who violates Sections 272.011 through 272.014 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each deer taken, killed, or possessed in violation of these sections constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 230, Sec. 5; V.A.P.C. Art. 880c (part).)

**Sec. 272.016. Squirrel**

(a) No person may hunt squirrel in Morris County except during the open season beginning on October 1 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 57th Legis., Reg.Sess., Ch. 49, Sec. 1(b), Sec. 2.)

[Sections 272.017-272.020 reserved for expansion]

**SUBCHAPTER C. BIRDS****Sec. 272.021.**

(a) No person may hunt wild quail in Morris County except during the open season beginning on December 1 of one year and extending through February 15 of the following year.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each bird taken or killed in violation of this section constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 412, Sec. 1 (part), Sec. 2(a) (part), 2(b).)

[Sections 272.022-272.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 272.031. Nets**

(a) Except as provided in Subsections (b), (c), and (d) of this section, a person may use a seine or net with meshes of not less than three inches to catch fish from the water of Morris County.

(b) No person may use nets of any type in Daingerfield State Park Lake or Ellison Creek Reservoir (Lone Star Lake) in Morris County.

(c) No person may use a setnet or seine to catch white perch, crappie, or bass of any kind in Morris County.

(d) A person may use a minnow seine not more than 20 feet long to catch minnows for bait in Morris County.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine or not less than \$10 nor more than \$100. (Acts 56th Legis., Reg.Sess., Ch. 65; Acts 58th Legis., Reg.Sess., Ch. 273.)

[Sections 272.032–272.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 272.041. Coypu**

A person may take or kill coypu (nutria) at any time in Morris County. (Acts 56th Legis., Reg.Sess., Ch. 72, Sec. 1 (part).)

[Sections 272.042–272.050 reserved for expansion]

**SUBCHAPTER F. LAKE TEXARKANA AND DAINGERFIELD LAKE**

**Sec. 272.051. Discharge of Firearms**

(a) Except as provided in Subsection (b) of this section, no person may shoot a pistol or rifle in, on, along, or across Daingerfield Lake or Lake Texarkana in Morris County.

(b) This section does not apply to peace officers, game wardens, or agents of the department in the lawful exercise of their duty or to persons hunting with a shotgun during an open season in or on Daingerfield Lake or Lake Texarkana.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 49th Legis., Reg.Sess., Ch. 83, Sec. 2, 3, 4; Acts 55th Legis., 1st C.S., Ch. 3, Sec. 4, 5, 6.)

**CHAPTER 273. MOTLEY COUNTY**

**Sec. 273.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Motley County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

**CHAPTER 271. NACOGDOCHES COUNTY**

**Sec. 274.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Nacogdoches County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)



**CHAPTER 275. NAVARRO COUNTY****Sec. 275.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Navarro County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 276. NEWTON COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 276.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Newton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 276.002-276.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING****Sec. 276.011. Hunting With Dogs**

A person may use dogs to hunt game birds and game animals in Newton County only during the open season for the game bird or game animal. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 2.)

**Sec. 276.012. Hunting Deer With Dogs**

(a) No person may knowingly allow a dog under his control to hunt wild deer in Newton County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(b) (part), 3(d).)

**Sec. 276.013. Possession of Deer**

(a) No person may possess the freshly killed carcass of a wild deer in Newton County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and imprisonment in the county jail for not less than three days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(c), 3(d).)

[Sections 276.014-276.020 reserved for expansion]

**SUBCHAPTER C. FISH****Sec. 276.021. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any black bass, trout, white perch, or catfish of less than 18 inches in length taken from the water of the Sabine, Attoyoc, Angelina, and Neches rivers or

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any of their tributaries or lakes through which the flood streams of the rivers or their tributaries flow in Newton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or imprisonment in the county jail for not less than 10 days nor more than 30 days, or both. Each fish sold in violation of this section constitutes a separate offense. (V.A.P.C. Art. 952i-9, Sec. 1 (part), 3.)

[Sections 276.022-276.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 276.031. Regulatory Act: Exclusion**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to fox in Newton County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(8) (part).)

**Sec. 276.032. Calling Devices**

(a) No person may use a horn, recording, or other device to call or attract wild fox in Newton County unless he has obtained a permit from the department allowing him to use the device for scientific research or making wildlife movies.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), 2.)

**CHAPTER 277. NOLAN COUNTY**

**Sec. 277.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Nolan County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 278. NUECES COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 278.001. Regulatory Act: Applicability**

(a) The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the coastal water of Nueces County with respect to fish, aquatic life, and marine animals, except shrimp and oysters.

(b) Except as provided in Subsection (a), the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to wildlife resources in Nueces County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 278.002-278.010 reserved for expansion]

**SUBCHAPTER B. SHRIMP**

**Sec. 278.011. Nets and Seines**

(a) No person may use for the purpose of catching shrimp a net or seine, except a cast net or minnow seine not more than 20 feet in length for catching bait only, in the water of the Gulf of Mexico within one mile

of the Horace Caldwell pier located on Mustang Island and the Bob Hall pier located on Padre Island in Nueces County or within 1,000 feet of the shoreline of Padre Island in Nueces County.

(b) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$100, and on a second or subsequent conviction is punishable by a fine of not less than \$100 nor more than \$200. (Acts 59th Legis., Reg. Sess., Ch. 404.)

**CHAPTER 279. OCHILTREE COUNTY**

**Sec. 279.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Ochiltree County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 280. OLDHAM COUNTY**

**Sec. 280.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Oldham County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 281. ORANGE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 281.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Orange County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 281.002-281.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

**Sec. 281.011. Hunting With Dogs**

(a) In Orange County a person may use dogs in hunting game animals (including deer) and game birds during the open season when the animal may be hunted.

(b) In Orange County no person may allow or permit a dog under his control to hunt or molest a wild deer except during the open deer season.

(c) No person in Orange County may possess the freshly killed carcass or a part of the carcass of a wild deer except during the open deer season.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 1 (part), 2, 3(a) (part), 3(c), 3(d).)

[Sections 281.012-281.020 reserved for expansion]

**SUBCHAPTER C. SHRIMP**

**Sec. 281.021. Regulatory Act: Shrimp Excluded**

In Orange County shrimp are not wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(1) (part).)

**Sec. 281.022. Shrimp Regulations**

(a) The commission may regulate the taking of shrimp from the coastal water of Orange County to provide for the most profitable and equitable harvest of shrimp from year to year and to conserve and protect the shrimp resources of Orange County from depletion and waste.

(b) The commission may make regulations to carry out the policy of this section including regulating:

- (1) the size of shrimp that may be taken;
- (2) open and closed shrimp seasons;
- (3) the means of taking shrimp;
- (4) the size and type of boats and equipment that may be used for taking shrimp;
- (5) the length and mesh size of net and trawls and their spreading devices; and
- (6) the possession, transportation, sale, and other handling of shrimp in the coastal water of Orange County.

(c) The commission by regulation adopted in accordance with this section may provide for the licensing of all persons taking, selling, or handling shrimp in Orange County and may license boats and equipment used for the taking, selling, or handling of shrimp in Orange County. The commission may adopt the licensing provisions of the Texas Shrimp Conservation Act (Chapter 77 of this code).

(d) The commission shall conduct continuous research, investigations, and studies of the shrimp resources in Orange County in the same manner as required by Section 77.004, 77.005, and 77.006 of this code. Based on the information obtained, and after hearings, the commission shall promulgate the regulations authorized by this section. The hearings, the method of adoption of the regulations, the effective date of the regulations, and the procedure for appeal shall be governed by the provisions of Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended.

(e) "Coastal water" is defined by Section 77.001(1) of this code.

(f) A person who violates a regulation of the commission adopted under this section shall be punished as provided in Section 77.020 of this code. The commission has all powers of enforcement granted to it under Chapter 77 of this code for the enforcement of this section. (Acts 58th Legis., Reg.Sess., Ch. 339 (part).)

## CHAPTER 282. PALO PINTO COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 282.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Palo Pinto County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 282.002-282.010 reserved for expansion]

## SUBCHAPTER B. FISH

## Sec. 282.011. Possum Kingdom Lake: Fish Sale

(a) No person may barter or sell, offer to barter or sell, or buy any fish taken from Possum Kingdom Lake or any of its backwater in Palo Pinto County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 47th Legis., Reg.Sess., Ch. 582, Sec. 1 (part), 2.)

## Sec. 282.012. Minnow Transport and Sale

(a) No person may take minnows from the public fresh water of Palo Pinto County for barter or sale outside an area composed of Jack, Stephens, Young and Palo Pinto Counties.

(b) No person may transport minnows taken from the public fresh water of Palo Pinto County for sale beyond the borders of an area composed of Jack, Stephens, Young, and Palo Pinto counties.

(c) Transportation of minnows out of the area described in this section by a commercial bait dealer or his agent is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$200. (Acts 49th Legis., Reg.Sess., Ch. 48.)

## CHAPTER 283. PANOLA COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

## Sec. 283.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Panola County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 283.002-283.010 reserved for expansion]

## SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

## Sec. 283.011. Hunting Deer With Dogs

Except as prohibited by the commission under the Uniform Wildlife Regulatory Act (Chapter 61 of this code), it is lawful to hunt or trail buck

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deer in Panola County with dogs. (V.A.P.C. Art. 978j-1, Sec. 13, i (part).)

[Sections 283.012–283.020 reserved for expansion]

**SUBCHAPTER C. MURVAUL LAKE**

**Sec. 283.021. Camping**

No person may camp on the shores of Murvaul Lake in Panola County on land owned by the Panola County Fresh Water Supply District Number 1 except at places designated as campsites by the Board of Supervisors of the Panola County Fresh Water Supply District Number 1. (V.A.P.C. Art. 952aa-4, Sec. 2.)

**Sec. 283.022. Firearms**

(a) Except as provided by Subsection (b) of this section, no person may possess for shooting a rifle or pistol of any kind on or over the water of Murvaul Lake in Panola County.

(b) This section does not apply to a peace officer or game management officer of this state or to a regular employee of the Panola County Fresh Water Supply District Number 1.

(c) Possession of a rifle or pistol of any kind within 500 feet from the water of Murvaul Lake is prima facie evidence of a violation of this section. (V.A.P.C. Art. 952aa-4, Sec. 7.)

**Sec. 283.023. Certain Water Sports on Lake Murvaul**

No person may swim, bathe, wade, or water ski in or on Lake Murvaul except within areas designated by the Board of Supervisors of the Panola County Fresh Water Supply District No. 1 as areas for swimming, bathing, wading, or water skiing. (V.A.P.C. Art. 952aa-4, Sec. 3.)

**Sec. 283.024. Penalty**

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 and costs. (V.A.P.C. Art. 952aa-4, Sec. 12.)

**CHAPTER 284. PARKER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 284.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Parker County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 284.002–284.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 284.011. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport into another county minnows caught in Parker County.

(b) A person may transport from Parker County into another county not more than 150 minnows for personal use or transport from Parker

County into another county minnows raised in a minnow hatchery in this state.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, nor a part of, any stream, and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

## **CHAPTER 285. PARMER COUNTY**

### **Sec. 285.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Parmer County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## **CHAPTER 286. PECOS COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 286.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Pecos County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 286.002-286.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 286.011. Regulatory Act: Exception**

In Pecos County fish are not "wildlife resources" as that term is used in the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(3).)

#### **Sec. 286.012. Fishing Methods**

(a) No person may catch fish in the freshwater rivers, creeks, lakes, bayous, pools, or lagoons of Pecos County by any means other than ordinary hook and line, trotline, or artificial bait.

(b) Except as provided in Subsection (c) of this section, no person may place in the water described in this section any seine, net or other device, or trap for taking or catching fish.

(c) A person may use a minnow seine not more than 20 feet long for the purpose of catching minnows for bait.

(d) In seining for bait as permitted in Subsection (c) of this section, all minnows more than three inches long shall be returned to the water at once while alive.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (P.C. Art. 955 (part).)

**Sec. 286.013. Fish Sale**

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Pecos County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 286.014. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Pecos County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 287. POLK COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 287.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Polk County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 287.002-287.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING**

**Sec. 287.011. Hunting With Dogs**

A person may use dogs to hunt game birds or game animals in Polk County only during the open season for the game bird or game animal. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 2.)

[Sections 287.012-287.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS**

**Sec. 287.021. Hunting Deer With Dogs**

(a) No person may knowingly allow or permit a dog under his control to hunt any wild deer in Polk County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(b) (part), 3(d).)

**Sec. 287.022. Possession of Deer**

(a) No person may possess the freshly killed carcass of a wild deer, or part of one, in Polk County except during the open season for deer.



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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(c), 3(d).)

[Sections 287.023–287.030 reserved for expansion]

### **SUBCHAPTER D. FISH**

#### **Sec. 287.031. Minnow Transport and Sale**

(a) No person may take any minnows from the water of Polk County for the purpose of sale.

(b) No commercial minnow dealer, nor his employee, may take minnows from the water of Polk County.

(c) No person may transport minnows taken from the water of Polk County into another county for the purpose of sale or for any commercial purpose.

(d) No person may transport more than 200 minnows taken from the water of Polk County into another county for any purpose.

(e) No person may have more than 200 minnows taken from the water of Polk County in any vehicle in Polk County.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 48th Legis., Reg.Sess., Ch. 121, Sec. 1 (part), 2 (part), 3.)

## **CHAPTER 288. POTTER COUNTY**

#### **Sec. 288.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Potter County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

## **CHAPTER 289. PRESIDIO COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 289.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Presidio County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 289.002–289.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 289.011. Regulatory Act: Exception**

In Presidio County fish are not “wildlife resources” as that term is used in the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j–1, Sec. 3(c)(3) (part).)

**CHAPTER 290. RAINS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 290.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Rains County. (New.)

**Sec. 290.002. Regulatory Act: Lake Tawakoni**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in the water area of Lake Tawakoni in Rains County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 290.003–290.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

**Sec. 290.011. Quail**

(a) No person may hunt wild quail in Rains County except during the open season beginning on December 1 of one year and extending through January 16 of the following year. During the open season no person may hunt wild quail in Rains County except on Mondays, Wednesdays, and Saturdays. If any Monday or Wednesday during the open season is a legal holiday, then a person may hunt quail on the next day after the legal holiday.

(b) No person may kill more than 12 quail in one day or more than 36 quail during any seven-day period. No person may possess more than 36 quail at one time.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each quail killed or possessed in violation of this section constitutes a separate offense. (Acts 50th Legis., Reg.Sess., Ch. 51.)

[Sections 290.012–290.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 290.021. Lake Tawakoni: Fish Sale**

(a) No person may sell any fish taken from that part of the water area of Lake Tawakoni located in Rains County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 228, Sec. 4(a) (part), 4(c).)

**Sec. 290.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Rains County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish al-

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lowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

[Sections 290.023–290.030 reserved for expansion]

### **SUBCHAPTER D. FUR-BEARING ANIMALS**

#### **Sec. 290.031. Hunting Mink With Dogs**

A person may hunt wild mink in Rains County with dogs. A person may have in his possession a mink pelt while hunting with dogs. (V.A. P.C. Art. 923m, Sec. 4 (part).)

## **CHAPTER 291. RANDALL COUNTY**

#### **Sec. 291.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Randall County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

## **CHAPTER 292. REAGAN COUNTY**

#### **Sec. 292.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Reagan County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

## **CHAPTER 293. REAL COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 293.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Real County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 293.002–293.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 293.011. Fish Sale**

(a) No person may offer, possess, or take for sale any catfish, perch, crappie, bream, or bass in Real County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56, Sec. 1 (part), 2.)

#### **Sec. 293.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Real County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 294. RED RIVER COUNTY**

**Sec. 294.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Red River County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 295. REEVES COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 295.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Reeves County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 295.002-295.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 295.011. Regulatory Act: Exception**

In Reeves County, fish are not "wildlife resources" as that term is used in the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c) (part).)

**Sec. 295.012. Fishing Methods**

(a) No person may catch fish in the freshwater rivers, creeks, lakes, bayous, pools, or lagoons of Reeves County by any means other than ordinary hook and line, trotline, or artificial bait.

(b) Except as provided in Subsection (c) of this section, no person may place in the water described in this section any seine, net or other device, or trap for catching fish.

(c) A person may use a minnow seine not more than 20 feet long for the purpose of catching minnows for bait.

(d) In seining for bait as permitted in Subsection (c) of this section, all minnows more than three inches long shall be returned to the water at once while alive.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (P.C. Art. 955 (part).)

**Sec. 295.013. Fish Sale**

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Reeves County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 295.014. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Reeves County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 296. REFUGIO COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 296.001. Regulatory Act: Applicability**

(a) The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the coastal water of Refugio County with respect to all fish, aquatic life, and marine animals except shrimp and oysters.

(b) Except as provided in Subsection (a) of this section, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to wildlife resources in Refugio County. (V.A.P.C. Art. 978j-1, Sec. 1A.)

[Sections 296.002-296.010 reserved for expansion]

**SUBCHAPTER B. BIRDS****Sec. 296.011. Quail**

The open season for wild quail in Refugio County when it is lawful to hunt wild quail begins on November 15 in one year and extends through February 15 of the following year. (Acts 57th Legis., Reg.Sess., Ch. 166 (part).)

[Sections 296.012-296.020 reserved for expansion]

**SUBCHAPTER C. FISH****Sec. 296.021. Fishing Methods: Guadalupe River**

(a) No person may catch fish in the Guadalupe River in Refugio County except by:

- (1) hook and line;
- (2) trotline;
- (3) flounder gig and light; and
- (4) a cast net or minnow seine not exceeding 20 feet in length and used for catching bait only.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 321 (part).)

## CHAPTER 297. ROBERTS COUNTY

### Sec. 297.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Roberts County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

## CHAPTER 298. ROBERTSON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 298.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Robertson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 298.002-298.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### Sec. 298.011. Minnow Sale

(a) No person may sell outside the county or take for transportation and sale outside the county any minnows from the public water of the minnow conservation district consisting of Robertson County.

(b) The transportation out of the county of more than 200 minnows by a person at one time, or the transportation out of the county of any minnows by a commercial minnow dealer or his agent at any time, is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 51st Legis., Reg.Sess., Ch. 568.)

## CHAPTER 299. ROCKWALL COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Sec. 299.001. Regulatory Act: Applicability

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Rockwall County. (New.)

#### Sec. 299.002. Regulatory Act: Lake Ray Hubbard

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in all of the water area of Lake Ray Hubbard in Rockwall County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 299.003-299.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### Sec. 299.011. Fishing Methods

(a) Except as provided in Subsection (d) of this section no person may catch fish in the fresh water of Rockwall County by any means other

than ordinary pole and line, rod and reel, setline, throw line, or trotline.

(b) Hooks on any setline, throw line, or trotline used shall be not less than three feet apart.

(c) A person may catch fish with artificial bait equipped with more than two hooks on ordinary pole and line or rod and reel.

(d) A person may use a minnow seine not more than 20 feet long to take minnows for bait. Any fish other than a minnow taken with the minnow seine shall be returned immediately while alive to the water.

(e) Possession of any tackle not authorized by this section within 200 yards of any stream, lake, or other fresh water in Rockwall County is prima facie evidence of a violation of this section.

(f) This section does not apply to that part of Lake Ray Hubbard located in Rockwall County.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each device possessed in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 225.)

#### **Sec. 299.022. Fish Sale**

(a) No person may take for sale or possess for sale any fish from the fresh water of Rockwall County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense. (Acts 42nd Legis., Reg.Sess., Ch. 323, Sec. 3, 4 (part).)

#### **Sec. 299.023. Minnows**

(a) No person may take minnows from the streams or rivers in Rockwall County, except that a person may take not more than 50 minnows at one time when not for the purpose of sale.

(b) This section does not apply to Lake Ray Hubbard.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$100. Each minnow taken in violation of this section constitutes a separate offense. (53rd Legis., Reg.Sess., Ch. 152, Sec. 1 (part), 2.)

### **CHAPTER 300. RUNNELS COUNTY**

#### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

##### **Sec. 300.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Runnels County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 300.002-300.010 reserved for expansion]

#### **SUBCHAPTER B. FISH**

##### **Sec. 300.011. Fish Sale**

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Runnels County.

(b) This section does not apply to New Lake Winters in Runnels County.

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(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 300.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Runnels County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 300.013. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport from Runnels County into another county any minnows caught in the water of Runnels County.

(b) A person may transport not more than 300 minnows caught in the water of Runnels County from Runnels County into another county for personal use, and a person may transport minnows from Runnels County into another county when the minnows have been raised in a minnow hatchery in this state.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, or a part of, any stream, and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 56th Legis., Reg.Sess., Ch. 208.)

**Sec. 300.014. New Lake Winters; Fish Sale**

(a) No person may buy, sell, offer to buy or sell, or take or possess for commercial purposes fish from the water of New Lake Winters in Runnels County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 90, Sec. 5, 6.)

**Sec. 300.015. New Lake Winters; Minnows**

(a) No person may knowingly possess minnows taken from the water of New Lake Winters in Runnels County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 90, Sec. 4, 6 (part).)



## CHAPTER 301. RUSK COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**Sec. 301.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Rusk County. (V.A.P.C. Art. 978j 1, Sec. 1 (part).)

[Sections 301.002-301.010 reserved for expansion]

## SUBCHAPTER B. FISH

**Sec. 301.011. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any fish caught from the public fresh water of Rusk County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2 (part), 3.)

**Sec. 301.012. Prohibited Methods of Fishing**

(a) This section applies only to the Angelina River and Mud Creek in Rusk County.

(b) No person may place any lime, poison, drug, dynamite, nitroglycerin, giant powder, or other explosive or substance harmful to fish in the water of the Angelina River or Mud Creek to catch or attempt to catch fish.

(c) No person may catch fish by the aid of "telephoning" or by using any other electricity-producing apparatus designed to shock fish.

(d) Possession of equipment described in Subsection (c) of this section in a boat or along the bank or shore of the Angelina River or Mud Creek in Rusk County is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on first conviction is punishable by a fine of not less than \$300 nor more than \$750. A second conviction of a violation of this section is punishable by a fine of not less than \$500 nor more than \$1,000 and by confinement in the county jail for not less than 30 days nor more than six months. A third or subsequent conviction of a violation of this section is punishable by a fine of not less than \$1,000 nor more than \$2,000 and by confinement in the county jail for not less than six months nor more than one year. (V.A.P.C. Art. 952aa 5, Sec. 1 (part), 2, 3, 4.)

## CHAPTER 302. SABINE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGU-  
LATORY ACT**Sec. 302.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Sabine County. (New.)

**Sec. 302.002. Regulatory Act: Certain Tract**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to all wildlife resources in that portion of the following described land which is located in Sabine County:

A tract of land containing approximately 10,500 acres partly in Sabine County and partly in San Augustine County described as follows:

BEGINNING at the intersection of the north line of Farm to Market Highway 83 and the east line of Farm to Market Highway 1751;

THENCE in a northerly direction with the east line of Farm to Market Highway 1751, 34,300 feet to its point of intersection with the south line of the Armstead Chumney League;

THENCE easterly with the south line of the Armstead Chumney League 6,700 feet to the southeast corner of the Armstead Chumney League;

THENCE northerly with the east line of the Armstead Chumney League 1800 feet to the southwest corner of the Ben Clark Survey;

THENCE easterly with the south line of the Ben Clark Survey and easterly with the north line of the Nicholas Coleman Survey, 3,000 feet to the Nicholas Coleman Survey's northeast corner;

THENCE southerly with the east line of the Nicholas Coleman Survey and the west line of the Hulda Hollien Survey, 1,800 feet to the northwest corner of the Southern Pine Lumber Company tract in the Hulda Hollien Survey;

THENCE easterly with the north line of the Southern Pine Lumber Company tract, 7,500 feet to the east line of the Hulda Hollien Survey;

THENCE southerly with the east line of the Hulda Hollien Survey, 1,600 feet to the westerly northeast corner of the J. C. Dickerson Survey;

THENCE westerly with the north line of the J. C. Dickerson Survey, 2,100 feet to its northwest corner;

THENCE southerly with the west line of the J. C. Dickerson Survey, 2,000 feet to its southwest corner;

THENCE easterly with the south line of the J. C. Dickerson Survey, 2,500 feet to the west line of the county road;

THENCE southerly with the west line of the County Road 28,100 feet to the north line of Farm to Market Highway 83;

THENCE westerly with the north line of Farm to Market Highway 83, 15,000 feet to the place of beginning. (V.A.P.C. Art. 978j-1, Sec. 1 (part); Acts 59th Legis., Reg.Sess., Ch. 646, Sec. 1.)

[Sections 302.003 -302.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE  
TO HUNTING**

**Sec. 302.011. Open Season for Game Birds and Game Animals**

(a) No person may hunt or possess a game bird or game animal in Sabine County except during the open season, which is the same as the open season provided from time to time for game birds and game animals in Jasper, Newton, and Tyler counties under the Uniform Wildlife Regulatory Act.

(b) This section does not apply to wild turkeys in Sabine County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 58th Legis., Reg.Sess., Ch. 280, Sec. 1.)

[Sections 302.012-302.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS****Sec. 302.021. Hunting Deer With Dogs**

A person may hunt and trail wild buck deer in Sabine County with dogs during the open season for hunting deer in Sabine County. (Acts 56th Legis., Reg.Sess., Ch. 499, Sec. 1 (part).)

**Sec. 302.022. Squirrel Limit**

(a) During the open season for taking squirrel in Sabine County, no person may take, kill, or possess more than five squirrels in one day.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 50th Legis., Reg.Sess., Ch. 49, Sec. 2, 3.)

[Sections 302.023–302.030 reserved for expansion]

**SUBCHAPTER D. BIRDS****Sec. 302.031. Turkey**

(a) No person may take or kill or attempt to take or kill any wild turkey in Sabine County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$300. (Acts 60th Legis., Reg.Sess., Ch. 392, Sec. 1 (part), 2.)

[Sections 302.032–302.040 reserved for expansion]

**SUBCHAPTER E. FISH****Sec. 302.041. Regulatory Act: Applicability**

(a) The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in all of the water area of the Sam Rayburn Reservoir located in Sabine County and in all of the water area of Toledo Bend Reservoir located in Sabine County.

(b) In that part of the Sam Rayburn Reservoir located in Sabine County, only freshwater fish are included in the term "wildlife resources."

(c) In that part of Toledo Bend Reservoir located in Sabine County only fish are included in the term "wildlife resources." (V.A.P.C. Art. 978j-1, Sec. 1 (part), 3(c)(11), (12).)

**Sec. 302.043. Fish Sale**

(a) No person may offer or possess for sale or sell any fish caught or taken from the public fresh water of Sabine County.

(b) This section does not apply to that part of the Sabine River (Toledo Bend Reservoir) in Sabine County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2 (part), 3.)

**Sec. 302.044. Sabine River: Fish Sale**

(a) A person may sell fish, except bass and crappie, taken from that part of the Sabine River located in Sabine County.

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(b) This section does not exempt a person from other laws regulating catching fish for commercial purposes. (Acts 55th Legis., Reg.Sess., Ch. 335, Sec. 2 (part).)

[Sections 302.045–302.050 reserved for expansion]

**SUBCHAPTER F. FUR-BEARING ANIMALS**

**Sec. 302.051. Methods of Taking Opossum, Bobcats, and Catamounts**

A person may take opossum, bobcats, and catamounts in Sabine County with a steel trap or any other type of trap or snare. (Acts 43rd Legis., Reg.Sess., S.L., Ch. 106, Sec. 1 (part).)

**Sec. 302.052. Attracting Foxes With Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract a wild fox in Sabine County, except that a person may use the devices for scientific research or in making wildlife movies after obtaining a permit from the department to use them.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), 2.)

**CHAPTER 303. SAN AUGUSTINE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 303.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in San Augustine County. (New.)

**Sec. 303.002. Regulatory Act: Certain Tract**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to all wildlife resources in that portion of the following described land which is located in San Augustine County:

A tract of land containing approximately 10,500 acres partly in Sabine County and partly in San Augustine County, described as follows:

BEGINNING at the intersection of the north line of Farm to Market Highway 83 and the east line of Farm to Market Highway 1751;

THENCE in a northerly direction with the east line of Farm to Market Highway 1751, 34,300 feet to its point of intersection with the south line of the Armstead Chumney League;

THENCE easterly with the south line of the Armstead Chumney League 6,700 feet to the southeast corner of the Armstead Chumney League;

THENCE northerly with the east line of the Armstead Chumney League 1800 feet to the southwest corner of the Ben Clark Survey;

THENCE easterly with the south line of the Ben Clark Survey and easterly with the north line of the Nicholas Coleman Survey, 3,000 feet to the Nicholas Coleman Survey's northeast corner;

THENCE southerly with the east line of the Nicholas Coleman Survey and the west line of the Hulda Hollien Survey, 1,800 feet to the northwest corner of the Southern Pine Lumber Company tract in the Hulda Hollien Survey;

THENCE easterly with the north line of the Southern Pine Lumber Company tract, 7,500 feet to the east line of the Hulda Hollien Survey;

THENCE southerly with the east line of the Hulda Hollien Survey, 1,600 feet to the westerly northeast corner of the J. C. Dickerson Survey;

THENCE westerly with the north line of the J. C. Dickerson Survey, 2,100 feet to its northwest corner;

THENCE southerly with the west line of the J. C. Dickerson Survey, 2,000 feet to its southwest corner;

THENCE easterly with the south line of the J. C. Dickerson Survey, 2,500 feet to the west line of the county road;

THENCE southerly with the west line of the County Road 28,100 feet to the north line of Farm to Market Highway 83;

THENCE westerly with the north line of Farm to Market Highway 83, 15,000 feet to the place of beginning. (V.A.P.C. Art. 978j-1, Sec. 1 (part); Acts 59th Legis., Reg.Sess., Ch. 646, Sec. 1.)

[Sections 303.003-303.010 reserved for expansion]

## SUBCHAPTER B. GAME ANIMALS

### Sec. 303.011. Deer Season

(a) No person may hunt wild deer in San Augustine County except during the open season. During the open season no person may hunt wild deer in San Augustine County except wild buck deer. The open season begins on the Saturday nearest November 15 and extends through the first Sunday in January, except that if the first Sunday in January occurs after January 4, the last day of the open season is January 1.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$500. (Acts 53rd Legis., Reg.Sess., Ch. 409, Sec. 1, 3.)

### Sec. 303.012. Squirrel Season

(a) No person may hunt squirrel in San Augustine County except during the open season beginning on October 1 and extending through December 31st.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each act of hunting in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 142, Sec. 1 (part).)

### Sec. 303.013. Squirrel Limit

(a) During the open season for taking squirrel in San Augustine County, no person may take or possess more than five squirrels in one day.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 50th Legis., Reg.Sess., Ch. 49, Sec. 2, 3.)

[Sections 303.014-303.020 reserved for expansion]

## SUBCHAPTER C. BIRDS

### Sec. 303.021. Turkey

(a) No person may hunt wild turkey in San Augustine County except during the open season beginning on November 16 and extending through December 31.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4 (part).)

**Sec. 303.022. Quail**

(a) No person may take or kill quail in San Augustine County except during the open season beginning on December 1 of one year and extending through January 31 of the next year.

(b) No person may kill more than 12 quail in one day, take more than 36 quail in one week, or possess more than 36 quail at one time during the open season in San Augustine County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each bird taken or possessed in violation of this section constitutes a separate offense. (Acts 45th Legis., Reg.Sess., Ch. 112, Sec. 2 (part), 4.)

[Sections 303.023-303.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 303.031. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to freshwater fish in all of the water area of the Sam Rayburn Reservoir located in San Augustine County. (V.A.P.C. Art. 978j-1, Sec. 1 (part), 3(c)(11).)

[Sections 303.032-303.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 303.041. Methods of Taking Opossum, Bobcats, and Catamounts**

A person may take opossum, bobcats, and catamounts in San Augustine County with a steel trap or any other type of trap or snare. (Acts 43rd Legis., Reg.Sess., S.L., Ch. 106, Sec. 1 (part).)

**Sec. 303.042. Attracting Foxes With Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract a wild fox in San Augustine County, except that a person may use the devices for scientific research or in making wildlife movies after obtaining a permit to use them from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), Sec. 2.)

**CHAPTER 304. SAN JACINTO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 304.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in San Jacinto County. (New.)

**Sec. 304.002. Regulatory Act: Lake Livingston**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to all of the water area of Lake Livingston located in San Jacinto County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 304.003–304.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE  
TO HUNTING****Sec. 304.011. Hunting With Dogs**

A person may use dogs to hunt game birds and game animals in San Jacinto County during the open season for the game bird or game animal. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 2.)

[Sections 304.012–304.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS****Sec. 304.021. Hunting Deer With Dogs**

(a) No person may allow or permit a dog under his control to hunt wild deer in San Jacinto County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(a) (part), 3(d).)

**Sec. 304.022. Possession of Deer**

(a) No person may possess the freshly killed carcass of a wild deer, or part of one, in San Jacinto County except during the open season for deer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510, Sec. 3(c), 3(d).)

**Sec. 304.023. Squirrels**

(a) No person may hunt squirrel in San Jacinto County except during the open season beginning on October 15 and extending through January 15.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each squirrel hunted in violation of this section constitutes a separate offense. (Acts 55th Legis., Reg.Sess., Ch. 184.)

[Sections 304.024–304.030 reserved for expansion]

**SUBCHAPTER D. BIRDS****Sec. 304.031. Turkey**

(a) No person may hunt wild turkey in San Jacinto County except during the open season beginning on November 16 and extending through December 31.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4 (part).)

[Sections 304.032–304.040 reserved for expansion]

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Sec. 304.041. Fox**

(a) A person may hunt or trap wild fox at any time in San Jacinto County.

(b) The commissioners' court in San Jacinto County may fix and pay, out of the general fund of the county, bounties on the destruction of wild fox in the county. (Acts 48th Legis., Reg.Sess., Ch. 159, Sec. 1 (part).)

**CHAPTER 305. SAN PATRICIO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 305.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in San Patricio County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 305.002–305.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

**Sec. 305.011. Regulatory Act: Quail Exempted**

In San Patricio County quail are not wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j–1, Sec. 3(c)(9) (part).)

**Sec. 305.012. Quail Season**

The open season when it is lawful to hunt wild quail of all varieties in San Patricio County begins on December 1 of one year and extends through January 31 of the following year. (Acts 57th Legis., Reg.Sess., Ch. 166 (part).)

**CHAPTER 306. SAN SABA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 306.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in San Saba County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 306.002–306.010 reserved for expansion]



**SUBCHAPTER B. METHODS GENERALLY  
APPLICABLE TO HUNTING****Sec. 306.011. Definitions**

In this subchapter:

- (1) "Buck deer" means a deer that has a hardened antler protruding through the skin.
- (2) "Antlerless deer" is any deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 306.012. Open Archery Season**

- (a) The open archery season in San Saba County is 30 calendar days immediately preceding the open season for hunting deer in San Saba County as provided by this code or by proclamation of the department.
- (b) During the open archery season a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 2.)

**Sec. 306.013. Prohibited Archery Equipment**

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) in San Saba County by means of:

- (1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;
- (2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;
- (3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or
- (4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 306.014. Deer Permits**

- (a) At least 15 days prior to the opening of the archery season, a landowner or lessee in San Saba County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.
- (b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate the taking of antlerless deer.
- (c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs from the used permits and all unused permits and stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 306.015. Limit and Possession of Deer**

- (a) No person may take or kill more than one antlerless deer with bow and arrows during the open archery season in San Saba County.

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(b) No person may possess an antlerless deer in San Saba County unless he has in his possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of any deer in San Saba County if it does not have attached to it a tag issued to him on his valid hunting license unless the carcass has been finally processed.

(d) No person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer in San Saba County. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 6.)

**Sec. 306.016. Penalty**

A person who violates Section 306.012 through Section 306.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 306.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or in a hunting camp in San Saba County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 306.018–306.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 306.021. Fish Sale**

(a) No person may buy, barter, or sell or offer to barter or sell any bass, crappie, perch, catfish, or any other fish taken from the fresh water in San Saba County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 43rd Legis., Reg.Sess., S.L., Ch. 61, Sec. 1 (part), 4 (part).)

**Sec. 306.022. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in San Saba County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**Sec. 306.023. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport any minnows caught, seined, or taken in San Saba County into another county.

(b) A person may transport from San Saba County into another county not more than 150 minnows for personal use, or transport from San Saba County into another county any minnows raised in a minnow hatchery in this state.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, nor a part of, any stream, and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

#### **Sec. 306.024. Minnow Sale**

(a) No person may sell, barter, or exchange in San Saba County any minnows caught, seined, or taken in San Saba County.

(b) No person may seine for sale or possess for sale any minnows in San Saba County.

(c) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each sale, barter, or exchange in violation of this section constitutes a separate offense. (Acts 44th Legis., Reg.Sess., S.L., Ch. 3, Sec. 1 (part), 1-a, 2.)

### **CHAPTER 307. SCHLEICHER COUNTY**

#### **Sec. 307.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Schleicher County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

### **CHAPTER 308. SCURRY COUNTY**

#### **Sec. 308.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Scurry County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

### **CHAPTER 309. SHACKELFORD COUNTY**

#### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 309.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Shackelford County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 309.002-309.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 309.011. Fish Sale**

(a) No person may take for commercial purposes any fish from the public water of Shackelford County.

(b) This section does not apply to that portion of Hubbard Creek Lake located in Shackelford County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$250. Each day in which a person takes fish for commercial purposes from the public water of Shackelford County is a separate offense. (Acts 46th Legis., Reg.Sess., p. 802, S.L., Ch. 53, Sec. 1 (part).)

**Sec. 309.012. Hubbard Creek Lake: Fish Sale**

(a) Except as provided in Subsection (b) of this section, no person may catch for barter or sale, possess or transport for barter or sale, offer to barter or sell, or barter or sell any fish taken from that part of Hubbard Creek Lake located in Shackelford County.

(b) A person may catch, possess, transport, barter, or sell fish from Hubbard Creek Lake under a contract with the department for removal of rough fish as provided in Section 66.113 of this code.

(c) A person may catch or possess not more than 200 minnows a day for use as bait in fishing the water of Hubbard Creek Lake.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish possessed or sold in violation of this section constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 258, Sec. 1 (part), 2.)

**CHAPTER 310. SHELBY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 310.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Shelby County. (New.)

[Sections 310.002–310.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 310.011. Deer**

(a) Except as provided in Subsection (b) of this section, no person may take or kill any deer in Shelby County at any time.

(b) A person may take or kill buck deer in that portion of Shelby County lying east of U.S. Highway 96, leading from Carthage in Panola County, through Tenaha and Center in Shelby County, to San Augustine in San Augustine County, during the open seasons beginning on November 15 and extending through November 30, and beginning on December 26 and extending through December 31.

(c) For the purpose of this section, a "buck deer" is a deer with a hardened antler protruding through the skin.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or by confinement in the county jail for not less than 10 days nor more than six months, or both. (Acts 52nd Legis., Reg.Sess., Ch. 493, Sec. 1 (part), 2 (part), 3.)

**Sec. 310.012. Hunting Deer With Dogs**

(a) No person may use a dog to hunt any deer in that portion of Shelby County south and west of U.S. Highways 59 and 96, leading from Carthage in Panola County, through Tenaha and Center in Shelby County, to San Augustine in San Augustine County.

(b) A person owning or controlling a dog who permits the dog to run, trail, or pursue a deer is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (V.A.P.C. Art. 980b.)

**Sec. 310.013. Squirrel**

(a) No person may hunt squirrel in Shelby County except during the open season beginning on October 1 and extending through December 31.

(b) During the open season in Shelby County no person may take in one day or have in his possession at one time more than 10 squirrels.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each squirrel taken or possessed in violation of this section constitutes a separate offense. (Acts 54th Legis., Reg.Sess., Ch. 142, Sec. 1 (part); Acts 45th Legis., Reg.Sess., Ch. 112, Sec. 1 (part), 4 (part).)

[Sections 310.014–310.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 310.021. Turkeys**

(a) No person may hunt wild turkey in Shelby County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4 (part).)

**Sec. 310.022. Quail**

(a) No person may take or kill quail in Shelby County except during the open season beginning on December 1 of one year and extending through January 31 of the next year.

(b) No person may kill more than 12 quail in one day, take more than 36 quail in one week, or possess more than 36 quail at one time during the open season in Shelby County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each bird taken or possessed in violation of this section constitutes a separate offense. (Acts 45th Legis., Reg.Sess., Ch. 112, Sec. 2 (part), Sec. 4.)

[Sections 310.023–310.030 reserved for expansion]

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**Sec. 310.031. Methods of Taking Fur-Bearing Animals**

(a) No person may trap any fur-bearing animal, or set any trap or deadfall for any fur-bearing animal in Shelby County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 51st Legis., Reg.Sess., Ch. 531.)

**Sec. 310.032. Fox**

(a) Except as provided in Subsections (b) and (c) of this section, no person may hunt wild fox in Shelby County.

(b) A person may kill wild fox caught destroying domestic fowl or other domestic stock.

(c) When the state health officer finds and declares that the health of the people of Shelby County is menaced by rabies caused by rabid foxes, a person may kill or destroy wild foxes until the state health officer declares that the danger from rabid foxes has passed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 58th Legis., Reg.Sess., Ch. 33, Sec. 1, 2.)

**Sec. 310.033. Attracting Foxes With Calling Devices**

(a) No person may use any horn, recording, or other device to call or attract a wild fox in Shelby County, except that a person may use the devices for scientific research or in making wildlife movies after obtaining a permit to use them from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640, Sec. 1 (part), 2.)

[Sections 310.034–310.040 reserved for expansion]

**SUBCHAPTER E. FISH**

**Sec. 310.041. Regulatory Act: Applicability**

The provisions of the Uniform Wildlife Regulatory Act (Chapter 61 of this code) apply to fish in all of the water area of Toledo Bend Reservoir located in Shelby County. (V.A.P.C. Art. 978j–1, Sec. 1 (part), 3(c)(12) (part).)

**CHAPTER 311. SHERMAN COUNTY**

**Sec. 311.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Sherman County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

## CHAPTER 312. SMITH COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

**Sec. 312.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Smith County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 312.002-312.010 reserved for expansion]

## SUBCHAPTER B. GAME ANIMALS

**Sec. 312.011. Regulatory Authority: Deer**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to deer in Smith County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(13) (part).)

**Sec. 312.012. Prohibited Weapons**

(a) In Smith County, no person may hunt using a shotgun shell containing larger than Number 4 shot, except during the open season for deer.

(b) In Smith County, no person may hunt with a high-powered rifle in an area where deer are known to roam, except during the open deer season.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each violation constitutes a separate offense. (Acts 58th Legis., Reg.Sess., Ch. 417, Sec. 1, 4, 5, 7.)

**Sec. 312.013. Squirrel**

(a) No person may hunt squirrel in Smith County except during the open season beginning on October 1 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each violation constitutes a separate offense. (Acts 58th Legis., Reg.Sess., Ch. 417, Sec. 6, 7.)

[Sections 312.014-312.020 reserved for expansion]

## SUBCHAPTER C. BIRDS

**Sec. 312.021. Regulatory Authority: Quail**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to quail in Smith County. (V.A.P.C. Art. 978j-1, Sec. 3(c)(13) (part).)

**Sec. 312.022. Daily Hunting Permitted**

A person in Smith County may hunt game birds each day of the week during the open seasons. This section does not apply to quail. (Acts 50th Legis., Reg.Sess., Ch. 442 (part).)

**Sec. 312.023. Turkey**

(a) No person may hunt turkey in Smith County except during the open season beginning on November 16 and extending through December 31.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4.)

**Sec. 312.024. Pheasant**

There is no closed season for the hunting of pheasant of all varieties in Smith County. (Acts 53rd Legis., Reg.Sess., Ch. 407.)

[Sections 312.025–312.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 312.031. Fish Sale**

(a) Except as provided in Subsection (b) of this section, no person may sell, offer for sale, or possess for the purpose of sale fish caught from the public fresh water of Smith County.

(b) A person having a commercial fishing license may sell rough fish (drum, shad, carp, suckers, gar, and buffalo fish) caught from the Sabine River in Smith County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2 (part), 3.)

**CHAPTER 313. SOMERVELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 313.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Somervell County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 313.002–313.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 313.011. Minnow Sale**

(a) Except as provided in Subsection (b) of this section, no person may catch minnows from the public fresh water of Somervell County for sale.

(b) A licensed bait dealer may catch minnows from the public fresh water of Somervell County for sale in Somervell County.

(c) No licensed bait dealer who catches minnows from the public fresh water of Somervell County may sell or transport or attempt to sell or transport the minnows outside of Somervell County. This subsection does not apply to minnows caught from private minnow hatcheries.

(d) In this section “private minnow hatchery” means a pond or series of ponds used in whole or in part for the propagation of minnows and located on private, enclosed property and not connected with or a part of a stream.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$250. (Acts 55th Legis., Reg.Sess., Ch. 191.)



**Sec. 313.012. Fish Sale**

(a) Except as provided in Section 313.011 of this code or as authorized by the department, no person may sell, possess for sale, offer for sale, or expose for sale fish caught from the Brazos River or its tributaries or from Lake Whitney or its source streams in Somervell County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each fish possessed in violation of this section constitutes a separate offense. (Acts 53rd Legis., Reg.Sess., Ch. 188, Sec. 4, 5.)

**CHAPTER 314. STARR COUNTY**

**Sec. 314.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Starr County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 315. STEPHENS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 315.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Stephens County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 315.002-315.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 315.011. Minnow Sale**

(a) No person may catch minnows from the public fresh water of Stephens County for barter or sale outside the counties of Jack, Young, Stephens, and Palo Pinto.

(b) No person may transport from the counties of Jack, Young, Stephens, and Palo Pinto to any other county minnows caught from the public fresh water of Stephens County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$200. (Acts 49th Legis., Reg.Sess., Ch. 48.)

**Sec. 315.012. Fish Sale: Possum Kingdom Lake**

(a) No person may barter, sell, or buy or offer to barter or sell fish caught from Possum Kingdom Lake or its backwater located in Stephens County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 47th Legis., Reg.Sess., Ch. 582 (part).)

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**Sec. 315.013. Fish Sale: Hubbard Creek Lake**

(a) No person may catch, possess, or transport for the purpose of sale or sell or barter or offer to sell or barter fish from Hubbard Creek Lake in Stephens County.

(b) This section does not apply to a person operating under contract with the department authorized by Section 66.113 of this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish possessed or sold in violation of this section constitutes a separate offense. (Acts 60th Legis., Reg.Sess., Ch. 258.)

**CHAPTER 316. STERLING COUNTY**

**Sec. 316.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Sterling County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 317. STONEWALL COUNTY**

**Sec. 317.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Stonewall County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 318. SUTTON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 318.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Sutton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 318.002–318.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 318.011. Fish Sale**

(a) No person may catch or possess for the purpose of sale or offer for sale catfish, perch, crappie, bream, or bass in Sutton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 46th Legis., Reg.Sess., p. 806, S.L., Ch. 56.)

**Sec. 318.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Sutton County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 319. SWISHER COUNTY**

**Sec. 319.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Swisher County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 320. TARRANT COUNTY**

**Sec. 320.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Tarrant County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 321. TAYLOR COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 321.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Taylor County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 321.002-321.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 321.011. Minnows: Fort Phantom Hill Lake**

(a) No person may catch minnows of any species commonly used as fish bait from Fort Phantom Hill Lake in Taylor County for the purpose of barter or sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 47th Legis., Reg.Sess., Ch. 538, Sec. 1, 3, 4, 5.)

**CHAPTER 322. TERRELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 322.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Terrell County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 322.002-322.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 322.011. Regulatory Act: Exception**

In Terrell County fish are not "wildlife resources" as that term is used in the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(3) (part).)

**CHAPTER 323. TERRY COUNTY**

**Sec. 323.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Terry County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 324. THROCKMORTON COUNTY**

**Sec. 324.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Throckmorton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 325. TITUS COUNTY**

**Sec. 325.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Titus County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 326. TOM GREEN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 326.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Tom Green County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 326.002–326.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 326.011. Minnows**

(a) No person may transport outside Tom Green County:

- (1) more than 200 minnows in any one day caught from the water of Tom Green County; or
- (2) for the purpose of sale any minnows caught from the water of Tom Green County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 49th Legis., Reg.Sess., Ch. 120, Sec. 5, 6.)

**Sec. 326.012. Fish Sale**

(a) No person may purchase or sell or attempt to purchase or sell freshwater fish caught from the water of Tom Green County except buffalo fish, carp, suckers, and garfish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 49th Legis., Reg.Sess., Ch. 120, Sec. 1, 3, 6.)

**CHAPTER 327. TRAVIS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 327.001. Wildlife Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Travis County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 327.002-327.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING**

**Sec. 327.011. Definitions**

In this subchapter:

(1) "Buck deer" means a deer that has a hardened antler protruding through the skin.

(2) "Antlerless deer" means a deer other than a buck deer. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 5.)

**Sec. 327.012. Open Archery Season**

(a) The open archery season in Travis County is 30 calendar days immediately preceding the open season for hunting deer in Travis County as provided by law or by proclamation of the department.

(b) During the open archery season, a person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, and collared peccary (javelina) by means of bows and arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 1 (part), 2.)

**Sec. 327.013. Prohibited Archery Equipment**

No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) in Travis County by means of:

(1) a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) arrows that are not equipped with broadhead hunting points at least seven-eighths of an inch in width and not more than one and one-half inches in width;

(3) arrows that do not have on them in a nonwater-soluble medium the name and address of the user; or

(4) poisoned, drugged, or explosive arrows. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 4.)

**Sec. 327.014. Deer Permits**

(a) At least 15 days before the opening date of the open archery season, a landowner or lessee in Travis County who desires to permit the hunting of deer on his land with bows and arrows during the open archery season may apply to the department for antlerless deer permits.

(b) The department shall issue to each applicant the number of antlerless deer permits consistent with sound wildlife management practices and consistent with any law authorizing the department to regulate that taking of antlerless deer.

(c) Landowners or lessees receiving antlerless deer permits shall return the fully completed stubs to the issuing officer not later than January 10 of the year following the date of issuance. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 7.)

**Sec. 327.015. Limit and Possession of Deer**

(a) No person may take or kill more than one antlerless deer with bow and arrow during the open archery season.

(b) No person may possess an antlerless deer in Travis County unless he has in possession an antlerless deer permit on which appears the date of the kill, the hunter's name, and the signature of the owner or agent on whose tract the deer was killed.

(c) No person may possess the carcass of a deer in Travis County that does not have attached to it a tag issued to the person on his valid hunting license unless the carcass has been finally processed.

(d) No person may attach the bonus deer tag from a valid hunting license to a deer other than an antlerless deer. (Acts 59th Legis., Reg. Sess., Ch. 428, Sec. 6.)

**Sec. 327.016. Penalty**

A person who violates Section 327.012 through Section 327.015 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 8.)

**Sec. 327.017. Possession of Firearms**

(a) No person may hunt wild buck deer, wild antlerless deer, wild bear, wild turkey gobblers, or collared peccary (javelina) during the open archery season in Travis County while having any type of firearm or crossbow on his person or in his possession and simultaneously possessing a bow and arrow in an automobile or hunting camp.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 428, Sec. 3.)

[Sections 327.018–327.020 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 327.021. Release of Pheasants**

(a) A person may purchase wild pheasants legally propagated by a person holding a license under Chapter 45 of this code and may release the pheasants in Travis County for hunting or shooting purposes.

(b) The holder of a license issued under Chapter 45 of this code may release pheasants for hunting or shooting purposes in Travis County.

(c) At least 30 percent of the birds released on any premises for shooting purposes shall be released within five days before the opening of the controlled season, and the remainder of the birds may be released at any time during the controlled season.

(d) Birds released under this section must be in good health, be full-winged, and in condition to go wild. (Acts 54th Legis., Reg.Sess., Ch. 435, Sec. 1, 4.)

[Sections 327.022–327.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 327.031. Minnows**

(a) No person may transport minnows caught from the public water of Travis County out of Travis County for the purpose of sale.

(b) No person may transport out of Travis County more than 200 minnows for any purpose.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 105, Sec. 5a, 7.)

**Sec. 327.032. Fish Sale**

(a) Except as provided in Subsection (b) of this section, no person may catch or possess for the purpose of sale or offer for sale fish from the water of Travis County.

(b) This section does not apply to rough fish, including shad, carp, suckers, gar, buffalo fish, mullet, and needlefish, from the water of Travis County, but not including the water of the Colorado River Lakes.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each fish caught or possessed in violation of this section constitutes a separate offense. (Acts 45th Legis., Reg.Sess., Ch. 413, Sec. 4, 5; Acts 52nd Legis., Reg.Sess., Ch. 244, Sec. 1.)

**CHAPTER 328. TRINITY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 328.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Trinity County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 328.002–328.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**Sec. 328.011. Deer Season; Spike Deer**

(a) No person may hunt deer in Trinity County except during the open season beginning on November 16 and extending through December 31.

(b) No person may take or kill a spike deer in Trinity County at any time.

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(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each animal taken in violation of this section constitutes a separate offense. (V.A.P.C. Art. 978j-1, Sec. 13(n), 14 (part).)

[Sections 328.012–328.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 328.021. Minnows**

(a) No person may catch minnows from the water of Trinity County for the purpose of sale.

(b) No commercial minnow dealer or his employee may take minnows from the water of Trinity County for any purpose.

(c) No person may transport minnows taken from the water of Trinity County out of the county for the purpose of sale.

(d) No person may transport during a single day more than 2,000 minnows out of Trinity County for any purpose.

(e) No person may have more than 2,000 minnows in a vehicle in Trinity County.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 48th Legis., Reg.Sess., Ch. 121 (part).)

**CHAPTER 329. TYLER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 329.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Tyler County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 329.002–329.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING**

**Sec. 329.011. Hunting With Dogs**

(a) In Tyler County a person may use dogs in hunting game birds and game animals only during the open season for the game bird or game animal.

(b) In Tyler County no person may knowingly allow a dog under his control to hunt a wild deer except during the open deer season.

(c) Except during the open deer season, no person in Tyler County may possess the carcass or a part of the carcass of a wild deer freshly killed.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200 and by confinement in the county jail for not less than 3 days nor more than 30 days. (Acts 58th Legis., Reg.Sess., Ch. 510 (part).)

[Sections 329.012–329.020 reserved for expansion]



**SUBCHAPTER C. FUR-BEARING ANIMALS****Sec. 329.021. Regulatory Act: Fox Excluded**

In Tyler County fox are not included as wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 3(c)(8) (part).)

**Sec. 329.022. Fox: Calling Devices**

(a) No person may use a horn, recording, or other device to call or attract wild fox in Tyler County except that, with a permit obtained from the department a device may be used for scientific research or the making of wildlife movies.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640 (part).)

**CHAPTER 330. UPSHUR COUNTY****SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT****Sec. 330.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources of Upshur County. (New.)

[Sections 330.002-330.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING****Sec. 330.011. Hunting Weapons**

(a) No person may hunt with a rifle larger than .22 caliber or with a shotgun loaded with buckshot or a slug in an area of Upshur County where deer are known to range, except during the open deer season.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$100. (Acts 53rd Legis., Reg.Sess., Ch. 393, Sec. 1 (part), 2.)

[Sections 330.012-330.020 reserved for expansion]

**SUBCHAPTER C. GAME ANIMALS****Sec. 330.021. Deer**

(a) No person may hunt or possess deer in Upshur County except during a 31-day open season beginning on the first Saturday following November 16.

(b) No person in Upshur County may hunt a deer other than a buck deer.

(c) No person may kill or take more than one buck deer during the open season in Upshur County.

(d) A "buck deer" means a deer having a hardened antler protruding through the skin.

(e) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25

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nor more than \$200, by confinement in jail for not less than 1 day nor more than 30 days, or by both. Each deer taken in violation of this section, constitutes a separate offense. (Acts 59th Legis., Reg.Sess., Ch. 589 (part).)

**Sec. 330.022. Squirrels**

(a) No person may hunt wild red or fox squirrel or wild gray squirrel in Upshur County except during the open season beginning on October 1 and extending through December 31.

(b) No person may take or kill more than 7 squirrels in a day or more than 30 squirrels in a seven-day period during the open season.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$25. (Acts 56th Legis., Reg.Sess., Ch. 266, Sec. 1 (part).)

[Sections 330.023–330.030 reserved for expansion]

**SUBCHAPTER C. BIRDS**

**Sec. 330.031. Quail**

(a) No person may hunt wild quail in Upshur County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) No person may hunt wild quail on Sunday.

(c) No person may kill more than 12 quail in one day or more than 36 quail during any period of seven days. No person may possess at one time more than 36 quail.

(d) No person may hunt quail on the land of another without the oral consent of the owner or other person in charge of the land given in the presence of two witnesses or the written consent of the owner or other person in charge of the land.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each quail killed or possessed in violation of this section constitutes a separate offense. (Acts 52nd Legis., Reg.Sess., Ch. 160.)

**Sec. 330.032. Turkey**

(a) No person may hunt wild turkey in Upshur County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$300. (Acts 60th Legis., Reg.Sess., Ch. 392 (part).)

[Sections 330.033–330.040 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 330.041. Suckerfish**

A person may catch suckerfish in Gin and Glade creeks during February, March, and April with any kind of trammel net. (V.A.P.C. Art. 941a–1, Sec. 1.)

**CHAPTER 331. UPTON COUNTY**

**Sec. 331.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Upton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 332. UVALDE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 332.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Uvalde County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 332.002-332.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 332.011. Minnows**

(a) No person may catch for the purpose of sale minnows in the water of Uvalde County.

(b) No person may sell minnows taken from the water of Uvalde County.

(c) No commercial minnow dealer or employee of a dealer may transport minnows from Uvalde County.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 46th Legis., Reg.Sess., p. 810, S.L., Ch. 59, Sec. 2 (part), 4.)

**Sec. 332.012. Fish Sale**

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Uvalde County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 332.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Uvalde County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 333. VAL VERDE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 333.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Val Verde County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 333.002-333.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 333.011. Minnow Transport**

(a) No person may transport from Val Verde County minnows caught in Val Verde County.

(b) The possession of more than 200 minnows in Val Verde County is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. (Acts 47th Legis., Reg.Sess., Ch. 425, Sec. 7 (part), 8.)

**Sec. 333.012. Fish Sale**

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Val Verde County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 333.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Val Verde County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 334. VAN ZANDT COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 334.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources of Van Zandt County. (New.)

**Sec. 334.002. Regulatory Act: Lake Tawakoni**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in all of the water area of Lake Tawakoni in Van Zandt County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 334.003-334.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING****Sec. 334.011. Trapping Without Permission of Landowner**

(a) No person in Van Zandt County may set a trap, snare, deadfall, or other device for the taking of a bird or animal protected by this code on the land of another person without first having received from the landowner or his authorized agent written permission for the taking. The permit must specify the period of time during which the taking is authorized and the methods of taking authorized.

(b) The evidence that a person was setting a device for the taking of a bird or animal on land of another person and that the person did not have in his possession the permit required by this section is prima facie evidence of a violation of this section.

(c) No person may use a forged or otherwise fraudulent permit in taking or attempting to take a bird or animal by a trap, snare, deadfall, or other device on the land of another.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 45th Legis., 2nd C.S., Ch. 55.)

[Sections 334.012-334.020 reserved for expansion]

**SUBCHAPTER C. BIRDS****Sec. 334.021. Quail**

(a) No person may hunt quail in Van Zandt County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

(b) No person may hunt quail on a Sunday in Van Zandt County.

(c) No person may hunt quail with a gun or a dog outside the county of his residence on the land of another person in Van Zandt County without first having received from the landowner or his agent in charge of the land written permission to hunt. The permission must give the time during which hunting is allowed. This subsection does not apply to a person hunting in the company of the landowner or agent.

(d) The evidence that a person was hunting quail with a gun or a dog on the private land of another outside the county of his residence without being in possession of the permit required by this section is prima facie evidence of a violation of this section.

(e) No person may use a forged or otherwise fraudulent permit to hunt quail with a gun or dog on the land of another in Van Zandt County.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 50th Legis., Reg.Sess., Ch. 95.)

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**Sec. 334.022. Turkey**

(a) No person may hunt turkey in Van Zandt County except during the open season beginning on November 16 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 47th Legis., Reg.Sess., Ch. 313, Sec. 1 (part), 4.)

[Sections 334.023–334.030 reserved for expansion]

**SUBCHAPTER D. FISH**

**Sec. 334.031. Fish Sale; Lake Tawakoni**

(a) No person may sell fish caught from Lake Tawakoni in Van Zandt County except under a contract with the department for the taking of rough fish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 228, Sec. 4 (part).)

**CHAPTER 335. VICTORIA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 335.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Victoria County. (V.A.P.C. Art. 978j–1, Sec. 1 (part).)

[Sections 335.002–335.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

**Sec. 335.011. Quail**

(a) In Victoria County, quail are not included as wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code).

(b) The open season when it is lawful to hunt wild quail of all varieties in Victoria County begins on November 15 of one year and extends through February 15 of the following year. (V.A.P.C. Art. 978j–1, Sec. 3(c)(9) (part); Acts 57th Legis., Reg.Sess., Ch. 166 (part).)

[Sections 335.012–335.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 335.021. Regulatory Act: Marine Life Excluded**

In Victoria County saltwater species of marine life are not wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j–1, Sec. 3(c)(6) (part).)

**Sec. 335.022. Fishing Methods: Guadalupe River**

(a) No person may catch fish from the Guadalupe River in Victoria County except by:

- (1) hook and line;
- (2) trotline;

- (3) flounder gig and light;
- (4) cast net or minnow seine not exceeding 20 feet in length to be used for catching bait only.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 321.)

**Sec. 335.023. Seining Within One Mile of City**

- (a) No person may catch fish, shrimp, green turtle, loggerhead, or terrapin by the use of a seine, drag, fyke, setnet, trammel net, trap, dam, or weir from a bay or other navigable water in Victoria County within one mile of a city.
- (b) "City" means a community having 100 or more families within an area of one square mile.
- (c) A city shall set out and maintain buoys, stakes, or other markers showing the limits within which Subsection (a) of this section applies.
- (d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. The identification of a boat operating in violation of this section is prima facie evidence of a violation by the owner, lessee, person in charge, or master of the boat. (P.C. Art. 947.)

**Sec. 335.024. Fishing Methods: Certain Water**

- (a) No person may catch fish from the water of Lavaca Bay, Banal Lake, Mesquite Creek, Placado Creek, Garcitas Creek, or Oyster Bayou in Victoria County except by:
  - (1) hook and line;
  - (2) rod and reel;
  - (3) trotline;
  - (4) flounder gig and light; or
  - (5) cast net or minnow seine not exceeding 20 feet in length and for catching bait only.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 55th Legis., Reg.Sess., Ch. 197.)

**Sec. 335.025. Commission May Close Certain Water**

- (a) The commission may close tidal water in Victoria County for the use of nets, seines, spears, gigs, lights, and other devices for catching fish except a hook and line or cast net or minnow seine not more than 20 feet in length when the commission finds that the closing is best for the protection and increase of fish life or to prevent their destruction.
- (b) The commission shall give notice of the closing at least two weeks before the effective date of the closing. The notice must contain:
  - (1) the reason for the closing;
  - (2) a designation of the area to be closed;
  - (3) the effective date and duration of the closing;
  - (4) a statement that after the effective date of the closing it will be unlawful to drag a seine, set a net, or use a gig and light to catch fish in the described area.
- (c) After an investigation and hearing, and on a finding that the closing of an area no longer promotes the conservation of fish, the commission may open the area to seining, netting, gigging, and other fishing.

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(d) The department may seize seines used in violation of this section and hold them as evidence in the trial of a defendant and no suit may be maintained against the department or an authorized employee for the seizure.

(e) This section does not apply to any of the water to which Sections 335.023 and 335.024 apply. (R.S. Art. 4045 (part).)

**CHAPTER 336. WALKER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 336.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Walker County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 336.002-336.010 reserved for expansion]

**SUBCHAPTER B. FUR-BEARING ANIMALS**

**Sec. 336.011. Fox Calling Devices**

(a) No person may use a horn, recording, or other device to call or attract fox in Walker County except that a person may use a calling device for scientific research or the making of wildlife movies if a permit is acquired from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 61st Legis., Reg.Sess., Ch. 640 (part).)

[Sections 336.012-336.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 336.021. Minnows**

(a) No person may transport for the purpose of sale from Walker County minnows taken from Walker County.

(b) No person may transport from Walker County more than 2,000 minnows.

(c) No person may possess in a vehicle in Walker County more than 2,000 minnows.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. (Acts 46th Legis., Reg.Sess., p. 811, S.L., Ch. 60.)

**CHAPTER 337. WALLER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 337.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies only to the following wildlife resources in Waller County:

(1) deer;



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- (2) quail; and
- (3) turkey. (V.A.P.C. Art. 978j-1, Sec. 1 (part), 3(c)(2) (part).)

[Sections 337.002-337.010 reserved for expansion]

**SUBCHAPTER B. ANIMALS**

**Sec. 337.011. Squirrel**

(a) No person may hunt squirrel in Waller County except during the open seasons beginning on May 1 and extending through July 31 and beginning on October 1 and extending through December 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (V.A.P.C. Art. 923ll-4 (part).)

[Sections 337.012-337.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 337.021. Minnows**

(a) No person may use a minnow seine in excess of 20 feet in length to take minnows in Waller County.

(b) No person may transport to, sell in, or take for the purpose of transporting to or selling in a county other than Waller County minnows taken from the fresh water of Waller County.

(c) The transportation out of Waller County of more than 250 minnows at one time by one person or the transportation out of Waller County of any minnows by a commercial minnow dealer or his agent is a prima facie violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 283, Sec. 2a (part), 3.)

**CHAPTER 338. WARD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 338.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Ward County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 338.002-338.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 338.011. Fish Sale**

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Ward County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 338.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Ward County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense. (P. C. Art. 955 (part).)

**CHAPTER 339. WASHINGTON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 339.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources in Washington County. (New.)

**Sec. 339.002. Regulatory Act: Somerville Reservoir**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources of the land and water area of the Somerville Reservoir in Washington County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 339.003–339.010 reserved for expansion]

**SUBCHAPTER B. ANIMALS**

**Sec. 339.011. Deer**

The open deer season in Washington County when a person may hunt wild buck deer is the same period as the open deer season as established by the commission for Burleson County. (Acts 60th Legis., Reg.Sess., Ch. 263.)

**Sec. 339.012. Squirrel**

Squirrel may be hunted at any time in Washington County. (V.A.P.C. Art. 879h (part).)

[Sections 339.013–339.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**Sec. 339.021. Minnows**

(a) No person may catch minnows from the public water of Washington County for the purpose of transporting them from Washington County for sale.

(b) No person may sell outside Washington County minnows taken from the public water of Washington County.

(c) The transportation from Washington County of more than 200 minnows at one time or the transportation from Washington County of any minnows by a commercial minnow dealer or his agent is prima facie evidence of a violation of this section.

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(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 51st Legis., Reg.Sess., Ch. 511.)

### **CHAPTER 340. WEBB COUNTY**

#### **Sec. 340.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Webb County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

#### **Sec. 340.002. Certain Methods of Taking Game Prohibited**

Sections 62.003, 62.005, and 66.004 of this code apply in Webb County and the provisions of those sections prevail over provisions of the Uniform Wildlife Regulatory Act (Chapter 61 of this code). (V.A.P.C. Art. 978j-1, Sec. 15(f).)

### **CHAPTER 341. WHARTON COUNTY**

#### **Sec. 341.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wharton County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

### **CHAPTER 342. WHEELER COUNTY**

#### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

##### **Sec. 342.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wheeler County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 342.002-342.010 reserved for expansion]

#### **SUBCHAPTER B. BIRDS**

##### **Sec. 342.011. Quail**

(a) No person may hunt quail in Wheeler County except during the open season beginning on December 1 and extending through January 31.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each bird taken in violation of this section constitutes a separate offense. (Acts 61st Legis., Reg.Sess., Ch. 135.)

**CHAPTER 343. WICHITA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 343.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wichita County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 343.002-343.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 343.011. Minnows**

(a) No person may catch minnows from the water of Wichita County for the purpose of sale outside of Wichita County.

(b) No person may sell outside Wichita County minnows caught in Wichita County.

(c) No person may transport from Wichita County for the purpose of sale minnows caught in Wichita County.

(d) The transportation from Wichita County at one time of more than 50 minnows caught in Wichita County constitutes prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 54th Legis., Reg.Sess., Ch. 83.)

**Sec. 343.012. Fish Sale**

(a) No person may barter, sell, offer for barter or sale, or buy a bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, above the dam, up the valley of the Big Wichita River to the storage dam in Baylor County, and up the river valley from the dam as far as the water is impounded by the dam, or in any water in Lake Wichita in Wichita County, or in any water impounded by the dam across Holliday Creek forming Lake Wichita, or in any of the irrigation canals connected with Lake Kemp or the diversion dam, or in any of the water in laterals leading from the canals in Wichita County, or in the lateral, canal, or drainage ditch leading from the South Side Canal from Diversion Lake from a point in the South Side Canal in Section 16, of Denton County school lands, League No. 4, Wichita County, Texas, to Holliday Creek and thence down Holliday Creek to Lake Wichita in Wichita County, or in any of the water of Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake, located in Wichita County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the fish were caught, where he is found in possession of them, or where the fish were bartered or sold, or offered for sale or

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barter, or purchased. (V.A.P.C. Art. 952a (part); Art. 952i; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 10.)

### **Sec. 343.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Section 343.012(a) of this code, a bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without an intent to eat the fish or leave any minnows without an intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense. (V.A.P.C. Art. 952h; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 6.)

### **Sec. 343.014. Injuring Fish**

(a) No person may injure or destroy fish by using dynamite, powder, or other explosive or poison in any of the water described in Section 343.012(a) of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year. (V.A.P.C. Art. 952b; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 3.)

### **Sec. 343.015. Special Charge**

District judges of the judicial districts of Wichita County shall give a special charge on Sections 343.012 through 343.014 of this code to the grand juries of Wichita County. (V.A.P.C. Art. 952j; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 9.)

## **CHAPTER 344. WILBARGER COUNTY**

### **SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

#### **Sec. 344.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wilbarger County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 344.002-344.010 reserved for expansion]

### **SUBCHAPTER B. FISH**

#### **Sec. 344.011. Minnows**

(a) No person may catch minnows in Wilbarger County for the purpose of transporting them from Wilbarger County for sale.

(b) The transporting of more than 200 minnows caught in Wilbarger County to another county is prima facie evidence of a violation of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 52nd Legis., Reg.Sess., Ch. 450.)

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**Sec. 344.012. Fish Sale**

(a) No person may barter, sell, offer for barter or sale, or buy a bass, perch, crappie, catfish, or any other fish, except minnows, taken from any water in laterals leading off from irrigation canals connected with Lake Kemp or Diversion Lake or from those irrigation canals in Wilbarger County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in a county where the fish were caught, where the person was in possession of them, or where the fish were sold, bartered, offered for sale or barter, or purchased. (V.A.P.C. Art. 952a (part); Art. 952i; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 10.)

**Sec. 344.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Section 344.012(a) of this code, a bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without an intent to eat the fish or leave any minnows without an intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense. (V.A.P.C. Art. 952h; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 6.)

**Sec. 344.014. Injuring Fish**

(a) No person may injure or destroy fish by using dynamite, powder, or other explosive or poison in any of the water described in Section 344.012(a) of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year. (V.A.P.C. Art. 952b; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 3.)

**Sec. 344.015. Special Charge**

District judges of the judicial districts of Wilbarger County shall give a special charge on Sections 344.012 through 344.014 of this code to the grand juries of Wilbarger County. (V.A.P.C. Art. 952j; Acts 53rd Legis., Reg.Sess., Ch. 110, Sec. 9 (part).)

**CHAPTER 345. WILLACY COUNTY**

**Sec. 345.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Willacy County. (V.A.P.C. Art. 978j-1 Sec. 1 (part).)

## CHAPTER 346. WILLIAMSON COUNTY

## SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

**Sec. 346.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Williamson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 346.002-346.010 reserved for expansion]

## SUBCHAPTER B. FISH

**Sec. 346.011. Minnow Transport**

(a) Except as provided in Subsection (b) of this section, no person may transport minnows caught in Williamson County into another county.

(b) A person may transport from Williamson County not more than 150 minnows to another county for personal use, or may transport from Williamson County to another county any number of minnows raised in a fish hatchery.

(c) For the purpose of this section, a "minnow hatchery" is a pond or series of ponds situated wholly on private, enclosed property and not connected with, nor a part of, any stream, and used either in whole or in part for the propagation of minnows.

(d) Possession of more than 500 minnows by a person at one time is prima facie evidence of a violation of this section.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 44th Legis., Reg.Sess., S.L., Ch. 45, Sec. 1, 2 (part), 3, 4 (part), 5.)

**Sec. 346.012. Fish Sale**

(a) No person may sell or offer to sell a bass, white perch, crappie, or catfish caught in the streams of Williamson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 346.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, or lagoons, or tanks, in Williamson County a catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without an intent to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

**CHAPTER 347. WILSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE  
REGULATORY ACT**

**Sec. 347.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wilson County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 347.002-347.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 347.011. Fish Sale**

(a) No person may sell or barter or offer for sale or barter a bass, perch, crappie, or catfish caught from the fresh water of Wilson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 952, Sec. 1 (part).)

**CHAPTER 348. WINKLER COUNTY**

**Sec. 348.001. Regulatory Act: Applicability**

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to the wildlife resources of Winkler County. (New.)

**CHAPTER 349. WISE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGU-  
LATORY ACT**

**Sec. 349.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wise County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 349.002-349.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 349.011. Minnows**

(a) No person may sell minnows caught in Wise County outside of Wise County.

(b) No person may transport from Wise County for the purpose of sale minnows caught in Wise County.

(c) The transportation from Wise County of more than 200 minnows at one time by any person or the transportation from Wise County of any minnows by a commercial minnow dealer is prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. (Acts 51st Legis., Reg.Sess., Ch. 225.)



**CHAPTER 350. WOOD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 350.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Wood County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 350.002-350.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 350.011. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale fish caught from the fresh water of Wood County.

(b) Licensed commercial fishermen may sell drum, shad, carp, suckers, gar, and buffalo fish caught from the Sabine River forming the boundary between Smith and Wood Counties.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. (Acts 52nd Legis., Reg.Sess., Ch. 297, Sec. 2, 3.)

**Sec. 350.012. Sale of White Perch and Crappie Outside County**

(a) No operator or owner of a private fish hatchery in Wood County may sell white perch or crappie for the purpose of stocking water outside Wood County.

(b) The owner or operator of a fish hatchery in Wood County is not prohibited from selling fish for the purpose of stocking water in Wood County and the Commissioners Court of Wood County and any person may purchase white perch and crappie for that purpose from a private fish hatchery.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. (Acts 59th Legis., Reg.Sess., Ch. 593.)

**CHAPTER 351. YOAKUM COUNTY**

**Sec. 351.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Yoakum County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 352. YOUNG COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 352.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Young County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 352.002-352.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 352.011. Minnows**

(a) No person may catch minnows from the water of Young County for the purpose of barter or sale in a county other than Young, Jack, Stephens, or Palo Pinto.

(b) No person may transport for the purpose of sale from Young County to any county other than Jack, Stephens, or Palo Pinto counties any minnows caught in Young, Jack, Stephens, or Palo Pinto counties.

(c) The transportation of any minnows from Young County to a county other than Jack, Stephens, or Palo Pinto counties by a commercial bait dealer or an agent of a dealer constitutes prima facie evidence of a violation of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$20 nor more than \$200. (Acts 49th Legis., Reg.Sess., Ch. 48.)

**Sec. 352.012. Fish Sale**

(a) No person may sell, barter, offer for sale or barter, or buy a bass, crappie, perch, catfish, or any other fish, except minnows, caught in Young County.

(b) Subsection (a) of this section does not apply to Lake Possum Kingdom or its backwater in Young County or to the Clear Fork of the Brazos River in Young County.

(c) A person alleged to have violated this section may be prosecuted in Young County, where the person was found to be in possession of the fish, or where the fish were sold or bought.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or bought in violation of this section constitutes a separate offense. (V.A.P.C. Art. 953a, Sec. 1 (part), 9 (part).)

**Sec. 352.013. Fish Sale: Possum Kingdom Lake**

(a) No person may sell, barter, offer for sale or barter, or buy fish caught from Lake Possum Kingdom or its backwater.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. (Acts 47th Legis., Reg.Sess., Ch. 582.)

**Sec. 352.014. Leaving Fish to Die**

(a) No person may knowingly throw, place, or deposit on the banks or grounds within 500 feet of any water to which Section 352.012 of this code applies a bass, crappie, white perch, bream, sunfish, drum, catfish, or other edible fish and leave it to die without an intent to eat the fish or to leave a minnow to die without an intent to use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$2 nor more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (V.A.P.C. Art. 953a, Sec. 8.)

**CHAPTER 353. ZAPATA COUNTY**

**Sec. 353.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Zapata County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

**CHAPTER 354. ZAVALA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Sec. 354.001. Regulatory Act: Applicability**

Except as provided in this chapter, the Uniform Wildlife Regulatory Act (Chapter 61 of this code) applies to the wildlife resources in Zavala County. (V.A.P.C. Art. 978j-1, Sec. 1 (part).)

[Sections 354.002-354.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**Sec. 354.011. Minnows**

(a) No person may possess at one time in Zavala County more than 500 minnows.

(b) No person may transport from Zavala County minnows for the purpose of sale.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. (Acts 57th Legis., Reg.Sess., Ch. 459, Sec. 1, 3.)

**Sec. 354.012. Fish Sale**

(a) No person may sell or offer to sell a bass, white perch, crappie, or catfish caught in the streams of Zavala County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. (P.C. Art. 955 (part).)

**Sec. 354.013. Leaving Fish to Die**

(a) No person may throw, place, or deposit on the bank or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Zavala County a catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave it to die, without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense. (P.C. Art. 955 (part).)

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**Sec. 2. Repealer.** (a) The following laws are repealed:

(1) Chapter 6, Title 13, Penal Code of Texas, 1925, as amended, and all other statutes compiled in that chapter of Vernon's Texas Penal Code (Articles 871 through 978n-2, Vernon's Texas Penal Code Auxiliary Laws);

(2) Title 67, Revised Civil Statutes of Texas, 1925, as amended, and all other statutes compiled in that title of Vernon's Texas Civil Statutes (Articles 4016-4075c, Vernon's Texas Civil Statutes);

(3) The Acts compiled as Articles 4386b, 4386b-1, 4386b-2, and 4386b-3, Vernon's Texas Civil Statutes;

(4) The following Articles and Acts:

<u>V.A.C.S. Article</u>	<u>V.A.C.S. Article</u>
6067	6077g
6067a	6077h
6067b	6077h-1
6067c	6077h-2
6068	6077j
6069	6077j-1
6069a	6077k
6069b	6077l
6069c	6077m-1
6070	6077m-2
6070a	6077n
6070b	6077n-1
6070d	6077p
6070d-1	6077q
6070g	6077r
6070h	6077s
6071a	6077t
6071b	6077u
6071c	6081r
6077a-1	6081s
6077b	6081s-1
6077c	6145-1
6077d	6701d-4
6077e	9206
6077f	

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			771	
61st	Reg.Sess.		514	
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			607	
			955	

(b) Except as provided in Subsection (c) of this Section, all local and special laws cited in Article 978j (note), Vernon's Texas Penal Code Auxiliary Laws, are repealed.

(c) The following laws are not repealed:

Acts 45th Legis., Reg.Sess., Ch. 6; Acts 45th Legis., Reg.Sess., Ch. 392; and Acts 59th Legis., Reg.Sess., Ch. 598,<sup>1</sup> as amended by Acts 61st Legis., Reg.Sess., Ch. 598.

Sec. 3. This Act is intended as a recodification only, and no substantive change in the law is intended by this Act.

Sec. 4. This Act takes effect September 1, 1975.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 23, 1975: Yeas 112, Nays 14; and that the House concurred in Senate amendments to H.B. No. 1186 on May 30, 1975, by a non-record vote; passed by the Senate, with amendments, on May 30, 1975, by the following vote: Yeas 19, Nays 12.

Approved June 19, 1975.

Effective Sept. 1, 1975.

1. So in enrolled bill; should read "588".